



PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

CALL TO ORDER: COMMISSIONERS' BRIEFING, N/A P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ATTENDANCE:

PRESENT: CHAIRMAN RICHARD TRUESDELL, MEMBERS STEVEN EVANS, BYRON GOYNES, LAURA McSWAIN, LEO DAVENPORT AND DAVID STEINMAN

EXCUSED: VICE CHAIRMAN NIGRO

STAFF PRESENT: MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., DAVID CLAPSADDLE – PLANNING & DEVELOPMENT DEPT., GARY LEOBOLD – PLANNING & DEVELOPMENT DEPT., RICK SCHROEDER – PUBLIC WORKS, GINA VENGLASS – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE

MINUTES:

The briefing was not held.

MEETING ADJOURNED AT N/A



PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2. THE PLANNING COMMISSION MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE CITY'S INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB SATURDAY AT 10:00 AM, THE FOLLOWING MONDAY AT MIDNIGHT AND TUESDAY AT 5:00 PM.

PLEDGE OF ALLEGIANCE was led by CHAIRMAN TRUESDELL

CALL TO ORDER: 6:01 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: CHAIRMAN RICHARD TRUESDELL, MEMBERS STEVEN EVANS, BYRON GOYNES, LAURA McSWAIN, LEO DAVENPORT AND DAVID STEINMAN

EXCUSED: VICE CHAIRMAN NIGRO

STAFF PRESENT: MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., DAVID CLAPSADDLE – PLANNING & DEVELOPMENT DEPT., GARY LEOBOLD – PLANNING & DEVELOPMENT DEPT., RICK SCHROEDER – PUBLIC WORKS, GINA VENGLASS – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE

DAVID CLAPSADDLE, Planning and Development Department, referenced the following items that were requested to be held in abeyance, tabled or withdrawn without prejudice. Letters are on file for each of the requests.

Item 8 [GPA-4548]	TABLED
Item 9 [ZON-4554]	TABLED
Item 10 [VAR-4677]	TABLED
Item 11 [SDR-4555]	TABLED
Item 18 [MSP-4622]	Abeyance to 11/04/2004 Planning Commission meeting
Item 19 [MOD-4632]	Abeyance to 9/23/2004 Planning Commission meeting
Item 20 [WVR-4754]	Abeyance to 9/23/2004 Planning Commission meeting
Item 21 [SDR-4751]	Abeyance to 9/23/2004 Planning Commission meeting
Item 34 [SDR-4935]	Abeyance to 9/23/2004 Planning Commission meeting
Item 36 [TXT-5037]	Abeyance to 9/23/2004 Planning Commission meeting

Regarding Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555], this would have been a third abeyance; instead, the applicant has requested to table these items. The applicant will have to reactivate the application and do a re-notification to the neighbors and pay the re-notification fee. CHAIRMAN TRUESDELL verified with MR. CLAPSADDLE that the applicant would be obligated to hold another neighborhood meeting.

Regarding Item 19 [MOD-4632], Item 20 [WVR-4754] and Item 21 [SDR-4751], MR. CLAPSADDLE received, at tonight's meeting, a request letter from the applicant to hold these items for two weeks. CHAIRMAN TRUESDELL asked if the applicant was present. TABITHA FIDDYMENT, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. She stated that the applicant, BOB GRONHAUER, has been directly involved with this application since its inception. Today, his wife gave birth to a baby girl, which is why the request has been made to abey the item until 9/23/2004 Planning Commission meeting. Staff concurred with the request.

Regarding Item 18 [MSP-4622], staff received a request from the applicant to hold this item in abeyance until 11/04/2004 Planning Commission meeting. The applicant needs to meet with the owner and redesign the site.

Regarding Item 34 [SDR-4935], there was some misunderstanding between the applicant and staff regarding staff's report, so staff would like to hold this item until the 9/23/2004 Planning Commission meeting. Staff will meet with the applicant to work out differences in the report. CHAIRMAN TRUESDELL asked if the applicant was present at tonight's meeting. GORDON SPENCER, Spencer Design Studio of Houston, appeared on behalf of RANDY BLACK, Diversified Interests. MR. SPENCER stated that they have met with staff in working with them to ensure the applicant is meeting all the requirements. He stated he was surprised at staff's recommendation for denial of the application. CHAIRMAN TRUESDELL then clarified for MR. SPENCER that at this time, the Commission is only voting on whether or not to hold the application in abeyance. He then confirmed with MR. SPENCER that he agreed to hold the item in abeyance. At that time, the Commission and staff would address any pending issues between staff and the applicant. MR. CLAPSADDLE commented that staff would work with the applicant prior to the 9/23/2004 Planning Commission meeting to resolve any pending issues.

Regarding Item 36 [TXT-5036], this is a text amendment, which is a follow-up from the joint meeting regarding billboards. Staff would like to abey this item to 9/23/2004 Planning Commission meeting to work out some pending issues.

An unidentified male speaker in the audience stated that he was in attendance to oppose Item 3 [SUP-4902]. CHAIRMAN TRUESDELL informed him that this item was not part of this motion.

(6:02 – 6:09)



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

SUBJECT:

Approval of the minutes of the August 12, 2004, Planning Commission Meeting

MOTION:

GOYNES - APPROVED – Motion carried with EVANS and TRUESDELL abstaining as they were both absent from the aforementioned meeting and NIGRO excused

MINUTES:

There was no discussion.

(6:02)

1-45



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

CHAIRMAN TRUESDELL announced the subdivision items could be appealed by the applicant or aggrieved person or a review requested by a member of the City Council.

ACTIONS:

ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

CHAIRMAN TRUESDELL read the statement on the order of the items and the time limitations on persons wishing to be heard on an item.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDA ITEM.



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

CHAIRMAN TRUESDELL noted the Rules of Conduct.

PLANNING COMMISSION MEETING RULES OF CONDUCT.

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.
2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.
3. If areas of concern are known in advance, or if the applicant does not accept staff's conditions, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.
4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.
5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties.
6. After all objectors' input has been received, the applicant will be invited to respond to any new issues raised.
7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst themselves, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.
8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would also ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TMP-4913 - TENTATIVE MAP - FORT APACHE COMMONS (A COMMERCIAL SUBDIVISION) - APPLICANT/OWNER: FORT APACHE COMMONS PARK, LIMITED LIABILITY COMPANY - Request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 5.70 acres adjacent to the west side of Fort Apache Road, approximately 530 feet south of Charleston Boulevard (APN 163-05-110-005), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson).

P.C. FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions Consent Item 1 [TMP-4913] and Item 2 [TMP-4914] – UNANIMOUS with NIGRO excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:09 – 6:09)

1-256

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 1 – TMP-4913

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. The development shall conform to the Conditions of Approval for the Rezoning (Z-0139-88) and Site Development Plan Review (SDR-1318) applications.
3. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
4. Prior to submittal for a Final Map Technical Review or for review of Civil Improvement plans, whichever occurs first, a revised Tentative Map reflecting the Conditions of Approval in this report shall be approved by staffs of the Planning and Development Department and Public Works Department. Drawings of a proposed perimeter wall that shows compliance with the development standards shall be included.
5. The development shall comply with all City Codes and State Subdivision Statutes.

Public Works

6. Sewer service for this commercial subdivision shall be shown in accordance with one of the following three alternatives, and the appropriate Note shall appear on the face of the recorded Final Map:
 - I. Onsite sewers, 8-inches in diameter or larger, are public sewers within 20 foot wide dedicated public sewer easements.
 - II. Onsite sewers are a common element privately owned and maintained per the Conditions, Covenants, and Restrictions (CC&Rs) of this commercial subdivision.
 - III. Onsite sewers are a common element privately owned and maintained per the Joint Use Agreement of this commercial subdivision.
7. Add a note to the Final Map stating, "All subdivided parcels comprising this commercial subdivision shall provide perpetual inter-site common drainage rights across all existing and future parcel limits."
8. Add a note to the Final Map stating, "All subdivided parcels comprising this commercial subdivision shall have perpetual unobstructed access to driveways servicing the overall subdivision site."

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 1 – TMP-4913

CONDITIONS – Continued:

9. Site development to comply with all applicable conditions of approval for Z-139-88, SDR-1318 and all other applicable site-related actions.
10. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

Clark County Health District

11. Written verification from the Division of Environmental Protection of the State Department of Conservation and Natural Resources that the map or plan has been approved with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law.
12. A letter from the appropriate sewer agency stating that service from the existing system of community sewerage will be extended to the subdivision and the community facility for treatment will not be caused to exceed its capacity and the discharge permit requirements by this added service or that the facility will be expanded to provide for the added service.
13. A letter from the appropriate water utility stating that it will supply water for domestic and fire protection purposes, that the system has the necessary facilities to treat water to meet the standards of the Water Supply Regulations Part 1, and that the capacity is available to meet the demands upon the system.
14. Improvement plans must be submitted to this office for review and approval before the final map can be signed. Include "Finished Floor" elevations and "Sanitary Sewer Manhole" rim elevations on all UTILITY PLANS to expedite review of the required sewer "BACK WATER VALVES" on your improvement plans.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TMP-4914 - TENTATIVE MAP - PECCOLE OFFICE BUILDING (A COMMERCIAL SUBDIVISION) - APPLICANT/OWNER: PECCOLE PROFESSIONAL PARK, LIMITED LIABILITY COMPANY - Request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 2.96 acres adjacent to the northeast corner of Hualapai Way and Alta Drive (APN 138-31-210-007) U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 2 (Wolfson).

P.C. FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions Consent Item 1 [TMP-4913] and Item 2 [TMP-4914] – UNANIMOUS with NIGRO excused

This is Final Action

MINUTES:

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:09 – 6:09)

1-256

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 2 – TMP-4914

CONDITIONS:

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. The development shall conform to the Conditions of Approval for the Site Development Plan Review (SDR-3173) and the application for Rezoning (Z-146-94).
3. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
4. Prior to submittal of a Final Map Technical Review or of review of Civil Improvement plans, whichever occurs first, a revised Tentative Map reflecting the Conditions of Approval in this report shall be approved by staffs of the Planning and Development Department and Public Works Department. The Tentative Map shall be revised to reflect accurate data as noted above.
5. The development shall comply with all City Codes and State Subdivision Statutes.

Public Works

6. Sewer service for this commercial subdivision shall be shown in accordance with one of the following three alternatives, and the appropriate Note shall appear on the face of the recorded Final Map:
 - I. Onsite sewers, 8-inches in diameter or larger, are public sewers within 20-foot wide dedicated public sewer easements.
 - II. Onsite sewers are a common element privately owned and maintained per the Conditions, Covenants, and Restrictions (CC&Rs) of this commercial subdivision.
 - III. Onsite sewers are a common element privately owned and maintained per the Joint Use Agreement of this commercial subdivision.
7. Add a note to the Final Map stating, “All subdivided parcels comprising this commercial subdivision shall provide perpetual inter-site common drainage rights across all existing and future parcel limits.”

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 2 – TMP-4914

CONDITIONS – Continued:

8. Add a note to the Final Map stating, “All subdivided parcels comprising this commercial subdivision shall have perpetual unobstructed access to driveways servicing the overall subdivision site.”
9. Site development to comply with all applicable conditions of approval for Z-146-94, SDR-3173 and all other applicable site-related actions.
10. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SUP-4902 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CINGULAR WIRELESS - OWNER: PROSPER SAMUEL MINTZ - Request for a Special Use Permit FOR A PROPOSED 73-FOOT TALL WIRELESS COMMUNICATION FACILITY, NON-STEALTH DESIGN at 6040 West Sahara Avenue (APN 163-01-401-009), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

C.C.: 10/06/04 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Planning Commission – Letter of Opposition w/4 Photos – Frederick Fellwock
Copies of Deed, Financial Interest and Insurance Documents submitted by Duffy Daugherty

MOTION:

McSWAIN – DENIED – Motion carried with DAVENPORT voting NO and NIGRO excused

This is Final Action

NOTE: Commissioner McSwain stated that she was acquainted with Frederick Fellwock when she was in the mortgage business. However, she has not had a business relationship with him for the past several years, so she felt comfortable with voting on this item.

MINUTES:

CHAIRMAN TRUESDELL declared the public hearing open.

DAVID CLAPSADDLE, Planning and Development, stated that staff did not receive any protests on this application. The proposed project is in conformance with the Code standards.

CHAIRMAN TRUESDELL asked if the applicant was present. FREDERICK FELLWOCK, 1908 Park Chester Drive, Las Vegas, NV 89108, Property Manager of the Sahara and Jones Plaza, and a real estate broker, stated that staff should have received a letter of protest from the

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 3 – SUP-4902

MINUTES – Continued:

owner of the property, DAVID MULKE. MR. FELLWOCK explained for CHAIRMAN TRUESDELL that MR. MULKE is the owner of the adjacent property, and the applicant owns one of the buildings in the plaza. CHAIRMAN TRUESDELL then requested the Cingular representative to speak. DUFFY DAUGHERTY, Cingular Wireless, 1211 Town Center Drive, Las Vegas, NV, explained to CHAIRMAN TRUESDELL that Cingular entered into a lease agreement with PROSPER SAMUEL MINTZ, and their legal representative has reviewed the agreement. Cingular designed the proposed project and felt that all issues were resolved. MR. DAUGHERTY also referenced and submitted a copy of the title report that reflected MR. MINTZ as the property owner. DEPUTY CITY ATTORNEY BRYAN SCOTT suggested, for the record, that staff verify the document MR. DAUGHERTY referred to. MR. CLAPSADDLE verified for the Commission that the financial interest form reflected PROSPER SAMUEL MINTZ as the property owner.

MR. FELLWOCK stated that there are four buildings in this plaza with three owners: PROSPER SAMUEL MINTZ, 7-11 and DAVID MULKE. He strongly opposed the project and pointed out that MR. MULKE did not receive proper notification. With the billboard on site and the addition of the proposed 73-foot tower, he felt that the plaza would look like an industrial area. He submitted and read into record a portion of his letter of opposition.

COMMISSIONER McSWAIN stated that the proposed cell tower is undoubtedly inappropriate for this location. She concurred with MR. FELLWOCK that the area already has a substantial amount of visual clutter. She would be open to supporting this type of project if it was at a location farther away from the existing clutter and something that would camouflage the appearance of a cell tower.

COMMISSIONER STEINMAN stated that the Commission has made efforts to stop the clutter along Sahara Avenue. In response to his questions regarding the proposed height and possible solutions to camouflage the appearance, MR. DAUGHERTY explained for COMMISSIONER STEINMAN that there are, in fact, solutions to camouflage, such as trees. He referenced similar existing high power transmission lines and poles that are located across the street from the proposed location on Sahara Avenue. Because of the existing billboard and the highly commercial use, the applicant felt that a monopole would be appropriate. However, the applicant would be willing to construct a monopalm tree, even though the expenses would substantially increase. In addition, MR. DAUGHERTY gave an example by stating the closer a lamp is to a surface, the amount of light would be lessened. Since the applicant is trying to cover a larger area, the height of the cell tower needs to be higher. He added that inside some of the casinos, some of their sites in the ceilings are at 15 to 20 feet, because that is where the people are. COMMISSIONER STEINMAN commented that Jones and Sahara is an established area

with people on cell phones all the time. He questioned why there was a sudden need of a cell tower in

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 3 – SUP-4902

MINUTES – Continued:

an area that is highly traveled. MR. DAUGHERTY replied that it is the growth of cell phone users more so than any change in technology. The problem in this area is that customers receive busy signals when calling or their calls are not being completed because they cannot get channels from the airwaves. As a result, in fill sites are being constructed, such as the one on the corner of Jones and Charleston. He then verified for COMMISSIONER STEINMAN that this request is not in any relation to the Cingular/AT&T merger; it is a means to alleviate potential future problems, as the monopalms would be constructed in such a way to accommodate other carriers.

COMMISSIONER EVANS stated that there are hundreds of transmission lines along Sahara Avenue and asked about having a cellular system on top of existing power lines and would it interfere with the signal, as well as, the possibility of co-locating with an existing billboard. MR. DAUGHERTY responded that it does not necessarily interfere with the signal; the concern is a safety issue where it would be extremely dangerous for the employees climbing up these poles to work on the antennas. In addition, he stated he was aware of existing technology regarding co-existing with other billboards but felt that the height of the existing billboard may not be sufficient. COMMISSIONER EVANS then stated he would support the application only if the applicant would camouflage the appearance of the cell tower. MR. DAUGHERTY replied that the applicant could do a monopalms tree to disguise the cell tower. MR. DAUGHERTY informed COMMISSIONER GOYNES that the equipment would be screened from the traffic, as it would be located behind the building. The color would be that of a steel dull gray, unless the Commission required something different.

CHAIRMAN TRUESDELL stated that the proposed height at the proposed location would be an overburden to the building directly behind this site. He stated that, as a courtesy, MR. MINTZ should have spoken with MR. FELLWOCK. Having the antenna inside of a palm tree situated next to the existing palm tree on site would be friendlier to the community. He stated he would not support the application; however, he added that the applicant could withdraw the application or allow the Commission to vote on the application. MR. CLAPSADDLE informed CHAIRMAN TRUESDELL that there is nothing in the Code that stipulates the maximum height with stealth, as long as it meets the other standards of the Code.

COMMISSIONER McSWAIN expressed concern regarding monopalms co-locating with existing billboards and its impact relative to cluttering and asked that staff would monitor this closely when dealing with the billboard ordinance. MR. CLAPSADDLE concurred.

CHAIRMAN TRUESDELL declared the public hearing closed.

(6:13 – 7:18)

1-389

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SUP-4918 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: COKE MAGGIE, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PRIVATE STREET on property adjacent to the southwest corner of Coke Street and Horse Drive (APN 125-09-702-001 and 002), U (Undeveloped) Zone [RNP (Rural Neighborhood Preservation) General Plan Designation], Ward 6 (Mack).

C.C.: 10/06/04 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956] – **UNANIMOUS** with NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 4 – SUP-4918

MINUTES – Continued:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956].

DAVID CLAPSADDLE, Planning and Development Department, stated that it was understood that the unidentified male speaker in the audience desired to have Item 3 [SUP-4902] be removed from One Motion/One Vote. CHAIRMAN TRUESDELL concurred and then read into record the items that are One Motion/One Vote, which consisted of Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956]. MR. CLAPSADDLE stated, for the record, that staff received letters from these applicants agreeing to all conditions, with the exception of Item 5 [VAC-4862]. There was a miscommunication with the fax number. MR. CLAPSADDLE confirmed with the applicant (MR. BARKER), via telephone, that he agreed to the conditions and was present at tonight's meeting.

Regarding Item 6 [VAC-4892], COMMISSIONER DAVENPORT asked if the applicant, MARK JONES, was present at tonight's meeting. Seeing no one present, COMMISSIONER DAVENPORT then stated, for the record, that he knows a Mark Jones but did not feel it was the applicant on this particular item; so, he would be voting on this item.

COMMISSIONER McSWAIN stated that she would be abstaining on Item 6 [VAC-4892], as her company is presently doing work for Southwest Homes.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956].

(6:09 – 6:13)

1-277

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements of Title 19.04.050 for the Private Streets use.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 4 – SUP-4918

CONDITIONS – Continued:

Public Works

4. Submit a petition of vacation for those portions of Horse Drive and Conough Lane, both within the City and Clark County, adjacent to this site prior to or concurrent with submittal of a Tentative Map for this site. Such petition shall be acted upon by City Council prior to the submittal of a Final Map for technical review. Horse Drive shall be terminated in a circular cul-de-sac meeting current City Standards, unless otherwise allowed by the City Engineer. The minimum vacation extent for Conough Lane shall be to the north right-of-way boundary of Teasha Avenue. We note that the vacation as shown on the submitted site plan indicates an offset Vacation. Such configuration shall not be permitted unless signed affidavits from the two property owners north of this site within Clark County are provided prior to submittal of the Tentative Map and the portion of the offset cul-de-sac proposed within Assessor's Parcel Number 125-09-602-004 is dedicated by separate document prior to submittal of a Final Map for technical review.
5. Private Streets shall be identified as "Public Utility Easements (P.U.E.), City of Las Vegas Sewer Easements and Public Drainage Easements to be Privately Maintained by the Homeowner's Association".
6. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.
7. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services prior to the issuance of any permits.
8. A Homeowners' Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
9. Upon development appropriate right-of-way dedications, street improvements, drainage plan/studies and traffic mitigation commitments will be required.
10. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAC-4862 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: DAVID B. BARKER AND STEPHANIE ANN BARKER - Petition to Vacate a 25-foot wide public drainage easement at 1940 and 1941 Ski Slope Circle, Ward 1 (Moncrief).

SET DATE: 09/15/04 C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956] – UNANIMOUS with NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 5 – VAC-4862

MINUTES – Continued:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956].

DAVID CLAPSADDLE, Planning and Development Department, stated that it was understood that the unidentified male speaker in the audience desired to have Item 3 [SUP-4902] be removed from One Motion/One Vote. CHAIRMAN TRUESDELL concurred and then read into record the items that are One Motion/One Vote, which consisted of Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956]. MR. CLAPSADDLE stated, for the record, that staff received letters from these applicants agreeing to all conditions, with the exception of Item 5 [VAC-4862]. There was a miscommunication with the fax number. MR. CLAPSADDLE confirmed with the applicant (MR. BARKER), via telephone, that he agreed to the conditions and was present at tonight's meeting.

Regarding Item 6 [VAC-4892], COMMISSIONER DAVENPORT asked if the applicant, MARK JONES, was present at tonight's meeting. Seeing no one present, COMMISSIONER DAVENPORT then stated, for the record, that he knows a Mark Jones but did not feel it was the applicant on this particular item; so, he would be voting on this item.

COMMISSIONER McSWAIN stated that she would be abstaining on Item 6 [VAC-4892], as her company is presently doing work for Southwest Homes.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956].

(6:09 – 6:13)

1- 277

CONDITIONS:

Planning and Development

1. This Petition of Vacation shall be revised to include the entire legal drainage easement adjacent to Assessor's Parcel Numbers 163-04-702-008 and 009.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, prior to the recordation of an Order of Vacation.
3. All development shall be in conformance with code requirements and design standards of all City Departments.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 5 – VAC-4862

CONDITIONS – Continued:

4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.
6. Provide a plan acceptable to the City Engineer showing how the area proposed to be vacated will be incorporated into the abutting properties prior to recordation of the Order of Vacation.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAC-4892 - VACATION - PUBLIC HEARING - APPLICANT/OWNER:
SOUTHWEST HOMES, LIMITED LIABILITY COMPANY - Petition to Vacate public streetlight, fire hydrant and other appurtenant easements generally located east of Campbell Road, north of Elkhorn Road, Ward 6 (Mack).

SET DATE: 09/15/04 C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956] – **UNANIMOUS** with NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 6 – VAC-4892

MINUTES – Continued:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956].

DAVID CLAPSADDLE, Planning and Development Department, stated that it was understood that the unidentified male speaker in the audience desired to have Item 3 [SUP-4902] be removed from One Motion/One Vote. CHAIRMAN TRUESDELL concurred and then read into record the items that are One Motion/One Vote, which consisted of Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956]. MR. CLAPSADDLE stated, for the record, that staff received letters from these applicants agreeing to all conditions, with the exception of Item 5 [VAC-4862]. There was a miscommunication with the fax number. MR. CLAPSADDLE confirmed with the applicant (MR. BARKER), via telephone, that he agreed to the conditions and was present at tonight's meeting.

Regarding Item 6 [VAC-4892], COMMISSIONER DAVENPORT asked if the applicant, MARK JONES, was present at tonight's meeting. Seeing no one present, COMMISSIONER DAVENPORT then stated, for the record, that he knows a Mark Jones but did not feel it was the applicant on this particular item; so, he would be voting on this item.

COMMISSIONER McSWAIN stated that she would be abstaining on Item 6 [VAC-4892], as her company is presently doing work for Southwest Homes.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956].

(6:09 – 6:13)

1-277

CONDITIONS:

Planning and Development

1. Prior to the recordation of an Order of Vacation all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense, or such modifications shall be guaranteed by provision of sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas.
2. All development shall be in conformance with code requirements and design standards of all City Departments.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 6 – VAC-4892

CONDITIONS – Continued:

3. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
4. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAC-4956 - VACATION - PUBLIC HEARING - APPLICANT: NEVADA STATE BANK - OWNER: THE SIDNEY FAMILY TRUST - Request for a Petition of Vacation to vacate U. S. Government Patent Reservations generally located north of Cheyenne Avenue, west of Fort Apache Road, Ward 4 (Brown).

SET DATE: 09/15/04 C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956] – UNANIMOUS with NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 7 – VAC-4956

MINUTES – Continued:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956].

DAVID CLAPSADDLE, Planning and Development Department, stated that it was understood that the unidentified male speaker in the audience desired to have Item 3 [SUP-4902] be removed from One Motion/One Vote. CHAIRMAN TRUESDELL concurred and then read into record the items that are One Motion/One Vote, which consisted of Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956]. MR. CLAPSADDLE stated, for the record, that staff received letters from these applicants agreeing to all conditions, with the exception of Item 5 [VAC-4862]. There was a miscommunication with the fax number. MR. CLAPSADDLE confirmed with the applicant (MR. BARKER), via telephone, that he agreed to the conditions and was present at tonight's meeting.

Regarding Item 6 [VAC-4892], COMMISSIONER DAVENPORT asked if the applicant, MARK JONES, was present at tonight's meeting. Seeing no one present, COMMISSIONER DAVENPORT then stated, for the record, that he knows a Mark Jones but did not feel it was the applicant on this particular item; so, he would be voting on this item.

COMMISSIONER McSWAIN stated that she would be abstaining on Item 6 [VAC-4892], as her company is presently doing work for Southwest Homes.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 4 [SUP-4918], Item 5 [VAC-4862], Item 6 [VAC-4892] and Item 7 [VAC-4956].

(6:09 – 6:13)

1-277

CONDITIONS:

Planning and Development

1. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for zoning action ZON-4043 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 7 – VAC-4956

CONDITIONS – Continued:

3. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
4. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - GPA-4548 - GENERAL PLAN AMENDMENT - PUBLIC HEARING -
APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL -
 Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: ML (Medium-Low Density Residential) TO: M (Medium Density Residential) on 12.88 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard (APN 140-30-503-002 and 140-30-520-017 through 033), Ward 3 (Reese).

TABLE

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends TABLE

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - ZON-4554 - REZONING RELATED TO GPA-4548 - PUBLIC HEARING - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL - Request for a Rezoning FROM: R-E (Residence Estates) and R-PD9 (Residential Planned Development - 9 Units per Acre) TO: R-PD12 (Residential Planned Development - 12 Units per Acre) on 18.24 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard (APN 140-30-503-001 and 002; 140-30-520-017 through 033), Ward 3 (Reese).

TABLE

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends TABLE

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - VAR-4677 - VARIANCE RELATED TO GPA-4548 AND ZON-4554 - PUBLIC HEARING - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL - Request for a Variance TO ALLOW 0.78 ACRES OF OPEN SPACE WHERE 3.67 ACRES IS THE MINIMUM REQUIRED in conjunction with a proposed 223-unit single-family residential development on 18.24 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard (APN 140-30-503-001 and 002; 140-30-520-017 through 033), R-E (Residence Estates) and R-PD9 (Residential Planned Development - 9 Units per Acre) Zones [PROPOSED: R-PD12 (Residential Planned Development - 12 Units per Acre)], Ward 3 (Reese).

TABLE

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends TABLE

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SDR-4555 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4548, ZON-4554 AND VAR-4677 - PUBLIC HEARING - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 223-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 18.24 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard (APN 140-30-503-001 and 002; 140-30-520-017 through 033), R-E (Residence Estates) and R-PD9 (Residential Planned Development - 9 Units per Acre) Zones [PROPOSED: R-PD12 (Residential Planned Development - 12 Units per Acre)], Ward 3 (Reese).

TABLE

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends TABLE

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - GPA-4609 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: H&GG, LIMITED PARTNERSHIP, DAVID L. MASON REVOCABLE LIVING TRUST AND SHAG'S CAR WASH - OWNER: JAMES SHOUGHRO - Request to Amend the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: ML (MEDIUM-LOW DENSITY RESIDENTIAL) TO: GC (GENERAL COMMERCIAL) on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN: 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Mack).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

1

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – DENIED – Motion for APPROVAL did not carry due to the lack of super majority vote with McSWAIN and EVANS voting NO and NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 12 [GPA-4609], Item 13 [VAR-4671] and Item 14 [SDR-4606].

DAVID CLAPSADDLE, Planning and Development, gave a brief overview of the proposed project. The only waiver the applicant is requesting is relative to landscaping on the east side of the property; the applicant would like to have a five-foot planter instead of an eight-foot planter. In addition, the trash enclosure is required to be 50 feet away from residential, and staff has suggested a waiver for distance separation or place the trash receptacle on the inside out of view from the three residential properties east of the proposed site.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 12 – GPA-4609

MINUTES – Continued :

MR. CLAPSADDLE continued by stating although the applicant requested GC (General Commercial) and the property is zoned C2, there is usually a transition of Office or Service Commercial between residential and commercial uses. Generally, there is Residential and Service Commercial first before General Commercial, so the applicant needed to do a General Plan Amendment (GPA) because the General Plan takes precedence whenever there is a conflict between the two. He added that staff has not received a new Site Plan. Staff recommended denial due to the following reasons: the number of Waivers requested, the lack of transition for General Commercial and the property does not meet residency adjacency standards.

TRINA FIORRE appeared with LUCY STEWART, 856 E. Sahara Avenue, DAVID MASON, 516 S. Sixth Street, Suite 400, Las Vegas, NV 89101 and DAVID CIRRUTI. MS. FIORRE thanked the staff for holding the item so a meeting could be held with the residents to address any and all concerns. She gave a brief overview of the proposed project. She pointed out that the proposed project would be located at the far end of the northwest side of town where the roads are dusty and there are currently no car washes in this area. She felt that the proposed car wash would be a great attribute to the area. MS. STEWART reiterated MR. CLAPSADDLE'S overview of the proposed project. She pointed out that the area was already zoned C2 prior to any residential development in the area. She added that the variances are being requested because the parcel is very narrow and the reduced landscaping would be to accommodate the parking spaces. There would be heavy landscaping adjacent to the residential area and the wall height would be increased. There would not be any windows in the rear to avoid views into residents' backyards. In addition, there would be a chain across the driveway when the car wash is closed to avoid access after business hours. An attendant would be on site during business hours, and there will be a trash receptacle that is enclosed. MR. MASON has also agreed to work with the residents regarding the placement of landscaping along Sky Pointe Drive.

MR. MASON stated that the meeting with the residents was successful. The residents' main concern was being able to see coming out onto Ranch House Road and the noise. The height of the building was not discussed at this meeting, and he was under the impression that the residents liked the proposed building. He felt that this project has an enormous amount of landscaping compared to other buildings they have done, such as the one on Rancho Boulevard and Charleston. It was his opinion that they have made efforts to work with the staff and residents in designing a project that is compatible with the surrounding area, even though the parcel was already zoned for C2 prior to the residents moving in this area.

JILL MORA, 6009 Pebble Gray Lane, a spokesperson for the residents and one of the original owners, stated that she was only aware of one meeting that took place. At that time, the developers presented the Site Plan. She was surprised that she and other residents were not notified of any other meetings, as she has made every effort to stay informed on this application.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 12 – GPA-4609

MINUTES – Continued :

She referenced two upcoming car washes that will be within 2-1/2 miles from the proposed car wash, and the one located at Ann Road and Tenaya (Terrible Herbst) is near completion. She has spent \$40,000 in upgrading her backyard. The residents understand that the applicant has made an investment and would like to work with them; however, the residents would like to see a project that would not impact them in a negative way. Her main concern was the noise level, their property values and the increased traffic as there are children in the neighborhood. There are already existing problems with the bar in the neighborhood, such as the noise, lights and motorcycle racing and the residents do not want to see a project that would only increase the problems. MS. MORA confirmed for COMMISSIONER EVANS that she is one of the homeowners whose property is immediately adjacent to the proposed car wash. She added that when she purchased her home, she and the other original homeowners were informed that the parcel would be a public park and not commercial. She then clarified for CHAIRMAN TRUESDELL that she was informed that her petition was received by staff and already in the record, which is why she did not bring them to tonight's meeting. CHAIRMAN TRUESDELL asked staff to review their documentation to verify if the petition was received.

CAROL LEDUC, 7575 Rome Boulevard, strongly opposed the project. She stated she has lived in this area for approximately 11 years. She felt that although the property was purchased prior to the residents being in the area, it was still not the homeowners' fault that the applicant waited until now to try and build a project and now have to work with the residents. She added that the residents deserve to have peace and quiet in their neighborhood. They do not need a two-story car wash within their community, which would impose on their privacy and create additional noise.

MR. MASON responded that a neighborhood meeting was coordinated with the president of the homeowner's association, but the meeting was postponed due to some residents being out of town. The neighborhood meeting was then held in August and everyone who attended the meeting was aware of the C2 zoning. He then stated that the property is directly in front of the 95 Freeway, and the proposed vacuum cleaners put out 64 decibels, which is less noise than vacuum cleaners used in residences. With the proposed landscaping and two-story building, the noise should be buffered. The hours of operation would be 8 a.m. to 8 p.m., but during the winter, the hours of operation would probably decrease.

COMMISSIONER McSWAIN appreciated MR. MASON'S comments and what has been proposed to mitigate the concerns; however, she agreed with the residents and would not want to have a vacuum cleaner running throughout the day in her neighborhood. There is a difference between ongoing vehicular traffic on the freeway versus vehicles waiting to go through a car wash. She understood that the property is already zoned C2, but the proposed car wash is not necessarily considered a buffer to a neighborhood abutting the freeway. MR. MASON asked if

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 12 – GPA-4609

MINUTES – Continued :

changing the structure to a one-story building would be acceptable to the Commission. COMMISSIONER McSWAIN replied that the issue is not if it was a one or two-story building; the problem is that it is a car wash that would generate traffic and noise abutting the residential area.

In response to COMMISSIONER GOYNES questions, MR. MASON replied that there would be an attendant on site to assist customers, the customers have a choice to vacuum their vehicles prior to entering the car wash, and there would be a machine where customers would pay before entering the car wash. MR. CIRUTTI then stated that the noise decibel reading on a dryer at 25 feet is 64, and the community standard at 50 feet is 72. The vacuum cleaners would be 50 feet from the property line and cannot be heard at the property line. With the exception of the dryer, the equipment inside the tunnel of the car wash would be within the interior of the building. There would be three dryers, each having a 10 horsepower motor, but they will not be heard from the property line. MR. CIRUTTI added that their business has been to develop car wash equipment that is suitable for residential communities, as they are a necessity for residents. He commented that there are sufficient residents with vehicles within the neighborhood that could support more than one car wash in the area. The clearance on the car wash allows up to a 90” clearance and a 13” tire width.

COMMISSIONER STEINMAN found it hard to believe that every resident in the surrounding neighborhood was under the impression that the parcel in question was designated to be a park. He then expressed concern with the entry at Sky Pointe Drive and suggested having a divider so vehicles do not swing too wide turning right and possibly collide with other vehicles entering off of Sky Pointe Drive. MR. MASON stated they would not oppose having a median there. COMMISSIONER STEINMAN then stated he tested the proposed vacuum at a car wash on Lone Mountain and Decatur and felt that the residents’ concerns were legitimate. Although the noise subsides the farther you are from it, the noise level is still loud. He questioned if the proposed car wash is a permitted use under the C2 zoning. MR. CLAPSADDLE verified for COMMISSIONER STEINMAN that a car wash is a permitted use under the C2 zoning, so a Special Use Permitted is not required. COMMISSIONER STEINMAN felt it was difficult to object to the proposed car wash when the area is zoned C2 even though it is Medium Low density on the General Plan. MR. CLAPSADDLE responded that this was a typical issue that arose when the Rancho Corridor Study was done. There were a lot of parcels that the County had zoned C2 since 1959 that the City acquired, so there is sometimes a conflict between what the property is zoned for and what the General Plan calls for. When this occurs, the General Plan takes precedence over the zoning. In response to COMMISSIONER STEINMAN’S question regarding what would happen if the Commission denied the General Plan Amendment, MARGO WHEELER, Planning and Development, replied that the General Plan Amendment is to be

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 12 – GPA-4609

MINUTES – Continued :

viewed separately from the other applications. The Commission would be voting on whether or not the General Plan should be brought into conformance with the existing zoning. If the Commission voted No, then the site would be non compliant and staff would have to decide if a re-zoning would be required to bring the project into compliance with the General Plan. The General Plan is not a deciding factor in the use, as the use is permitted within the zoning. Each application should be viewed on its own merits relative to the Site Plan and any Variances.

COMMISSIONER EVANS commented that aside from the site being challenged and zoned C2, the Site Plan deals with important issues such as compatibility with the adjacent development, buffering and residential standards and is it harmonious with the surrounding area. CHAIRMAN TRUESDELL agreed that there is a nexus between the two but felt that the noise level is higher than the 64 decibels. GINA VENGLASS, Public Works, informed CHAIRMAN TRUESDELL that Public Works could not confirm or give a comparison with decibels regarding noise levels. The drone of the highway does have a significant impact on the noise level. Although there have been several applications proposed for this site, he felt that the Commission still needed to find something that would be appropriate for this parcel. In his opinion, this site is not a Medium Low site, as it would not be appropriate to have three homes on .43 acres facing the highway. He added that he believed appropriate disclosures were made when the original residents purchased their homes.

MR. CLAPSADDLE verified for COMMISSIONER McSWAIN that the proposed use would not be allowed in C1 zoning without a Special Use Permit. She agreed with CHAIRMAN TRUESDELL regarding this site not being a Medium Low site, but she is not inclined to support this application as she would not want to set precedence for the remaining corridor. MR. CLAPSADDLE then verified for CHAIRMAN TRUESDELL that even if this were Service Commercial, the zoning would still not be compatible with the General Plan. If the request were C1, it would require a Special Use Permit.

COMMISSIONER GOYNES concurred with CHAIRMAN TRUESDELL'S previous comments regarding the site not being Medium Low, rather Commercial and a car wash is not as intense as some other uses.

MS. WHEELER then read into record the added conditions. MR. CLAPSADDLE added that the date needed to be changed to 06/16/2004 on Condition 4 of Item 14 [SDR-4606]. COMMISSIONER GOYNES verified with MS. WHEELER and then MR. MASON was informed that the type of gate staff preferred is not the chain gate, rather a metal grid type of gate that is in parks and must be approved by staff. MS. WHEELER confirmed for COMMISSIONER DAVENPORT that the applicant would have to work with the Homeowner's

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 12 – GPA-4609

MINUTES – Continued :

Association regarding the portion of landscaping on Ranch House Road. CHAIRMAN TRUESDELL asked for clarification as to why the developer did not complete the landscaping if it was part of their common association property, as he was concerned about taking action on an “unapproved strip”. MR. MASON replied that the developer told him that they were not aware they owned it. Regarding Condition 8 on Item 14 [SDR-4606], MR. CLAPSADDLE verified for CHAIRMAN TRUESDELL that the Code height of the wall pack lighting would not impose upon the residents’ backyards. COMMISSIONER STEINMAN also requested to add a condition stipulating the applicant shall install a divider on the property at the entrance of Sky Pointe Drive, one that is acceptable to the City Traffic Engineer. MR. MASON clarified that the divider would be on the property and not in the street and then concurred with the conditions.

DEPUTY CITY ATTORNEY BRYAN SCOTT verified for MR. CLAPSADDLE that the General Plan Amendment would go forward without the applicant having to file an appeal.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 12 [GPA-4609], Item 13 [VAR-4671] and Item 14 [SDR-4606].

(6:34 – 7:18)

1-1095

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - VAR-4671 - VARIANCE RELATED TO GPA-4609 - PUBLIC HEARING - APPLICANT: H&GG, LIMITED PARTNERSHIP, DAVID L. MASON REVOCABLE LIVING TRUST AND SHAG'S CAR WASH - OWNER: JAMES SHOUGHRO - Request for a Variance TO ALLOW A REAR SETBACK OF 28.9 FEET WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 84.75 FEET IN CONJUNCTION WITH A PROPOSED SELF-SERVICE CAR WASH AND PET WASH on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN: 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Mack).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – Motion carried with McSWAIN and EVANS voting NO and NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

NOTE: See Item 12 [GPA-4609] for all related discussion on Item 12 [GPA-4609], Item 13 [VAR-4671] and Item 14 [SDR-4606].

(6:34 – 7:18)

1-1095

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 13 –VAR-4671

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-4606).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SDR-4606 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4609 - PUBLIC HEARING – APPLICANT: H&GG, LIMITED PARTNERSHIP, DAVID L. MASON REVOCABLE LIVING TRUST AND SHAG'S CAR WASH - OWNER: JAMES SHOUGHRO - Request for a Site Development Plan Review FOR A SELF SERVE CAR WASH AND PET WASH; A WAIVER OF DISTANCE REQUIREMENT TO ALLOW A TRASH ENCLOSURE TO BE 28 FEET FROM RESIDENTIAL USES WHERE 50 FEET IS REQUIRED and A WAIVER TO REDUCE PERIMETER LANDSCAPING REQUIREMENTS on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN: 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Mack).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions, adding the following conditions:

- No windows shall be placed on the second floor (office) facing the residences.
- An attendant shall be on site at all times during business hours, which shall be from 8 a.m. to 8 p.m.
- A gate will be placed across the driveway when the car wash is closed so there is no access to the site after business hours. Said gate to be approved by the Planning and Development Department.
- The applicant shall work with the Homeowners' Association regarding the placement of landscaping in the front yard to make sure there is no obstruction of views for cars pulling onto the street.
- Increase the height of the wall between the residences and the car wash to seven feet.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 14 – SDR-4606

MOTION – Continued:

- There shall be no signage along the east side of the building.
- The applicant shall add a median on site at the entrance of Sky Pointe Drive, one that is acceptable to the City Traffic Engineer.

and amending the following condition:

4. All development shall be in conformance with the site plan and building elevations, date stamped 6/16/04, except as amended by conditions herein.
- Motion carried with McSWAIN and EVANS voting NO and NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

NOTE: See Item 12 [GPA-4609] for all related discussion on Item 12 [GPA-4609], Item 13 [VAR-4671] and Item 14 [SDR-4606].

(6:34 – 7:18)

1-1095

CONDITIONS:

Planning and Development

1. Approval of a General Plan Amendment (GPA-4609) and Variance (VAR-4671) by the City Council.
2. All proposed trash enclosures shall be enclosed and have a roof.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan and building elevations, date stamped 8/17/04, except as amended by conditions herein.
5. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]

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Planning and Development Department
Item 14 – SDR-4606

CONDITIONS – Continued:

7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize ‘shoe-box’ fixtures and downward-directed lights. Wallpack lighting shall utilize ‘shoe-box’ fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

11. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
12. The proposed driveways, accessing Sky Point Drive, shall be designed, located and constructed in accordance with Standard Drawing #222A.
13. The developer of this site shall be responsible to connect to public sewer. Coordinate with the Collection Systems Planning Section of the Department of Public Works to connect to public sewer at a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
14. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of grading permits. Provide and improve all drainageways as recommended.

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PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - GPA-4631 - GENERAL PLAN AMENDMENT - PUBLIC HEARING -
APPLICANT/OWNER: CHARLES H. SHIELDS - Request to amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: R (Rural) TO: O (OFFICE) on 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008), Ward 6 (Mack).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – DENIED – UNANIMOUS with NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESDELL declared the public hearing open on Item 15 [GPA-4631], Item 16 [ZON-4635] and Item 17 [SDR-4638].

DAVID CLAPSADDLE, Planning and Development, stated that the item was held in abeyance to allow the applicant time to redesign the site plan. The location map reflects the General Plan designations. To the west of this site, west of Tenaya Way, north of Azure and south of Azure is where the Town Center commercial nodes and the Town Center commercial areas were supposed to be located. Tenaya Way was one of the boundaries that was set for Town Center. The entire commercial was going to go on the west, Tenaya Way was going to be a boundary to keep

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 15 – GPA-4631

MINUTES – Continued

Office, Commercial, and other non-residential uses from encroaching into established residential neighborhoods. Staff felt changing the General Plan Amendment from Rural to Office would be an unwarranted intrusion into a very established rural residential use. Regarding the Site Plan Review, MR. CLAPSADDLE clarified that staff's report handed out at this meeting is the correct one that coincides with the applicant's revised Site Plan. The main change is that on the older site plan, the area that is "not apart" was taken up by parking. With the revised site plan, the medical office is limited to the south half of the site, which is more efficient with better landscaping and only takes up a portion of the site. The applicant needs to clarify what will accommodate the space on the northern portion of the site. The report reflects 1,183 square feet of office space, 1,677 square feet of medical office, and a future expansion is also proposed. It meets parking and residential adjacency standards. Substantial road improvements would have to be made on this site, such as a bus turnout, right-of-way dedication along Tenaya Way and physically move the wall five feet east to accommodate all the traffic improvements. Due to the amount of improvements needed, this would be an inappropriate site for commercial.

ATTORNEY TABITHA FIDDYMENT, 3800 Howard Hughes Parkway, appeared on behalf of the applicant, expressed her opinion that the site is not rural in character. She gave a brief overview of the site plan and pointed out that the proposed project is immediately south of the Beltway, immediately adjacent to the existing Town Center building, and also immediately adjacent to Tenaya Way. One of the issues with Tenaya Way is that it generates a lot of traffic, mainly because of the Beltway, and will continue to do so as the Town Center develops. Due to traffic, the corner of Azure and Tenaya Way is in need of a traffic light. ATTORNEY FIDDYMENT felt that the proposed use is a perfect transitional buffer between Town Center, the Beltway to the north, Tenaya being alongside the property and a traffic light. She continued by stating the revised site plan reflects a conversion from the existing house to a medical office. There would not be any modifications to the exterior, as the residential character of the home would be maintained, and the exterior landscaping would remain as is. Regarding the "not a part" portion, the applicant is not proposing to have this portion as part of the General Plan Amendment. Although this is a unique parcel, the applicant felt confident that they could maintain a use that is consistent with the neighbors and provide them with a transitional buffer to the surrounding intense uses.

MICKEY SCHUMACHER, 7185 W. Regena Avenue, stated that his property is located directly behind the proposed site. He stated that he attended the meeting held with the residents. However, there were some changes ATTORNEY FIDDYMENT stated previously that he was not aware of. He stated that the residents were advised of the following: a) the existing home would remain as is, b) there would be an additional 4,500 square feet building behind the home, c) there would be 37 parking spaces in the rear and d) the wall and the driveway would not be

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 15 – GPA-4631

MINUTES – Continued:

moved. Their home was built in 1986 in a rural preservation area, and he would like to maintain the area in the same manner. He did not feel that a medical office building would be compatible with the neighborhood, as each home was custom built. There are eleven homes in this particular neighborhood that share a community well. At the previous meeting, he and other residents expressed concerns regarding water and the septic tank, which would go into the backyard of the existing home adjacent to his backyard. He was advised by the attorney who made the presentation at this meeting that he was not sure, then later informed him that they would not be volunteering to do anything other than what they were advised to do. MR. SCHUMACHER stressed the fact that there is now water, sewer and gas available in front of the existing home. He added that he has now listed his home for sale as a horse property (RE), rural preservation area. Should the General Plan Amendment change, he felt it would impact how he markets his home and the value of his property.

KRISTEE GRAHAM, 7135 W. Regena Avenue, voiced her displeasure in having to change her schedule so that she could attend this meeting, for the third time, so that the residents' concerns are heard on record. She was displeased with the lack of communication relative to the changes that are being made. She is concerned with the children's safety during school hours, as they walk by these parking lots. Their backyards, which some have swimming pools, animals, and trampolines, would align directly behind this parking lot.

CAROL LEDUC, 7575 Rome Boulevard, stated that they have always understood Tenaya to be the demarcation line, as their Council representatives told them. In addition, they were assured that there would not be any bleeding from the Town Center into the neighborhood. The area is not commercial Town Center, it is suburban mixed use, which is the lowest level allowed in Town Center. She felt that MRS. SHIELDS had been disingenuous with the neighborhood, as the residents have had to contend with many issues and will continue to fight to maintain their rural preservation neighborhood, particularly their horse properties. She felt that the developer's plan was to always have a medical office building on this site.

JENNIFER GATTI, 7145 W. Regena Avenue, stated she is one of the newer homeowners and is the designee for the well. She understands there is growth in the Valley and the need for change. However, the residents are opposed to spot zoning on this particular parcel, as it would have a negative impact on their homes. She referenced other upcoming developments in the area and how the zoning could also change from residential to commercial on the account of this one change should it happen.

ATTORNEY FIDDYMENT apologized for the miscommunication, as it was not their intention to be disingenuous. It was not the applicant's intention to show the residents the expansion; the reason for showing the "not a part" portion of the site is because it was decided, after meeting

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 15 – GPA-4631

MINUTES – Continued

with residents and staff, it would be more appropriate to leave that portion of land vacant and not include it in the rezoning.

COMMISSIONER GOYNES stated that this site is Residential, but there are some commercial uses on the other side of the street. He agreed with the comments made by the residents regarding the impact this change would have on the residential properties and felt that this proposed project should not be mixed in with horse property. He suggested the applicant may want to consider waiting until the shopping center is completed, as he may have an opportunity for an office building within an appropriate zoning.

COMMISSIONER McSWAIN concurred with COMMISSIONER GOYNES. She understood the need for demarcation to avoid impacting the rest of the neighborhood. In keeping with the spirit of the Town Center concept and what the neighbors expected, she would not be supporting this application.

CHAIRMAN TRUESDELL stated that Azure east of Tenaya is narrow and not designed to accommodate traffic. If commercial was placed on this parcel, then a demand would be created. He pointed out that this application is different than those that were presented previously. He added that a commitment was made to the residents, and he would not want to see any action taken that is not consistent for this entire parcel. He, too, would not be supporting this application.

For clarification purposes, DEPUTY CITY ATTORNEY BRYAN SCOTT stated if the Commission denied the Site Plan now, but the General Plan Amendment is approved at City Council at a later date, then the Site Plan would not be presented at Planning Commission again. He then commented with COMMISSIONER McSWAIN that the Commission could either deny Item 17 [SDR-4638] or abey the item to see how City Council votes on Item 15 [GPA-4631] and Item 16 [ZON-4635].

MS. WHEELER stated that if there are conditions the Commission would like to see imposed upon the project and approved by the City Council, then those conditions could be suggested and included in staff's report that will go forward to City Council. COMMISSIONER McSWAIN stated that she would like to see a condition stipulating the applicant is required to have hookups to the City sewer and water.

MS. VENGLASS clarified for ATTORNEY FIDDYMENT that because of the requested change from Residential to Commercial, the applicant would be required to do the bus turn-out, the landscaping and other required conditions even on a site that is already developed. CHAIRMAN TRUESDELL requested that if City Council approved the Site Plan, the applicant should submit

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 15 – GPA-4631

MINUTES – Continued

the Site Plan reflecting the entire parcel so that the neighbors could see what is approved. In addition, there would be no access off of Azure but on Tenaya Way. MS. VENGLASS informed the Commission that the current bus turnout reflected on the site plan would not work with the driveway indicated on the site plan.

CHAIRMAN TRUESDELL declared the public hearing closed on Item 15 [GPA-4631], Item 16 [ZON-4635] and Item 17 [SDR-4638].

(7:18 – 7:48)

1-3032

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - ZON-4635 - REZONING RELATED TO GPA-4631 - PUBLIC HEARING - APPLICANT/OWNER: CHARLES H. SHIELDS - Request for a Rezoning FROM: R-E (Residence Estates) TO: P-R (Professional Office and Parking) on 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008), Ward 6 (Mack).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

1

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

3

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – DENIED – UNANIMOUS with NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

NOTE: See Item 15 [GPA-4631] for all related discussion on Item 15 [GPA-4631], Item 16 [ZON-4635] and Item 17 [SDR-4638].

(7:18 – 7:48)

1-3032

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SDR-4638 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4631 AND ZON-4635 - PUBLIC HEARING - APPLICANT/OWNERS: CHARLES H. SHIELDS - Request for a Site Development Plan Review for a PROPOSED OFFICE Parking LOT on 0.96 acres at 7180 West Azure Drive (APN 125-27-503-008), R-E (Residence Estates) Zone [PROPOSED: P-R (Professional Office and Parking)], Ward 6 (Mack).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

McSWAIN – DENIED – UNANIMOUS with NIGRO excused

To be heard by the City Council on 10/06/2004

MINUTES:

NOTE: See Item 15 [GPA-4631] for all related discussion on Item 15 [GPA-4631], Item 16 [ZON-4635] and Item 17 [SDR-4638].

(7:18 – 7:48)

1-3032

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - MSP-4622 - MASTER SIGN PLAN - PUBLIC HEARING - APPLICANT: AUTO NATION – OWNER: JRJ PROPERTIES AND JOHN K. BIEGGER - Request for a Master Sign Plan FOR TWO EXISTING AUTO DEALERSHIPS on 9.39 acres at 5050 West Sahara Avenue (APN: 163-01-803-003, 004 and 005), C-2 (General Commercial) Zone, Ward 1 (Moncrief).

ABEYANCE TO THE NOVEMBER 4, 2004 PLANNING COMMISSION MEETING

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends ABEYANCE

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

1-70

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - MOD-4632 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for a Major Modification to the Lone Mountain Master Development Plan FROM: VC (VILLAGE COMMERCIAL) TO: MLA (MEDIUM-LOW ATTACHED RESIDENTIAL) on 3.7 acres adjacent to the southwest corner of Buckskin Avenue and Shady Timber Street (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - WVR-4754 - WAIVER RELATED TO MOD-4632 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for Waivers of TITLE 18.12.160 TO ALLOW A 210-FOOT SEPARATION DISTANCE BETWEEN INTERSECTIONS WHERE A MINIMUM OF 220 FEET IS REQUIRED when providing external access from a subdivision to an existing street having a right-of-way width of 60 feet or more AND OF 18.12.130 TO ALLOW A PRIVATE DRIVE GREATER THAN 150 FEET WITHOUT A CIRCULAR TURN-AROUND OR EMERGENCY SERVICE VEHICLE ACCESS GATE, in conjunction with a proposed 44-lot single-family attached residential development on 3.70 acres adjacent to the southwest corner of Shady Timber Street and Buckskin Avenue (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) [Village Commercial Lone Mountain Special Land Use Designation - PROPOSED: Medium-Low Attached Residential], Ward 4 (Brown).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 20 – WVR-4754

MINUTES – Continued:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

1-70

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SDR-4751 - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-4632 AND WVR-4754 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SHADOW HILLS PLAZA, LLC - Request for a Site Development Plan Review FOR A PROPOSED 44-LOT SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT on 3.70 acres adjacent to the southwest corner of Shady Timber Street and Buckskin Avenue (a portion of APN 137-12-401-022 and a portion of 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) [Village Commercial Lone Mountain Special Land Use Designation - PROPOSED: Medium-Low Attached Residential], Ward 4 (Brown).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - VAR-4725 - VARIANCE - PUBLIC HEARING -
APPLICANT/OWNER: CRAIG P. KENNY - Request for a Variance TO ALLOW NINE PARKING SPACES WHERE 22 SPACES IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED OFFICE ADDITION on 0.20 acres at 724 South Eighth Street (APN 139-34-810-035), P-R (Professional Office and Parking) Zone, Ward 5 (Weekly).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES - DENIED – Motion carried with DAVENPORT and EVANS voting NO and NIGRO excused

This is Final Action

NOTE: COMMISSIONER EVANS disclosed that he knows the KENNY brothers on a professional basis. He has no personal involvement with their applications and no financial interest in their business, so he would be voting on these items.

CHAIRMAN TRUESDELL disclosed that he does own property in the downtown area. However, the property is not within the notification area nor does the project have any impact on his property, so he would be voting on these items.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 22 [VAR-4725], Item 23 [VAR-5032] and Item 24 [SDR-4724].

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 22 – VAR-4725

MINUTES – Continued:

DAVID CLAPSADDLE, Planning and Development Department, reminded the Commission that when this item appeared previously, there were questions pertaining to the parking variance. Staff and the applicant were instructed to review the building elevations because the Commission felt the building did not have enough articulation. The applicant has submitted revised elevations, which reflect changing the flat roof to a hipped roof and the added banding and stucco around the facade of the building. With the revision, the bulk of the building will not be visible from the street level. The square footage has not changed, just the look of the building. Staff recommended denial because the site is overbuilt, the parking variance is excessive and the requested amount of the expansion. The entire square footage of the building is 6,423 square feet on a 9,000 square foot lot.

ATTORNEY BRADLEY KENNY, 723 South 7th Street, appeared on behalf of the applicant, his brother, CRAIG KENNY. He verified that the applicant was directed to make the addition more aesthetically pleasing and that the architect had done so. Regarding the parking, he indicated that the staff in the 8th Street building would move to the 7th Street location due to overcrowding.

COMMISSIONER McSWAIN appreciated the applicant's effort in revising the elevation; however, she was concerned about how much was being put on the lot. Much discussion has taken place regarding the encouragement of the live/work environment in this area and this is an overwhelming amount of square footage for the site. She also voiced concern over the parking variance. She told MR. B. KENNY the revised elevations were an improvement over the original submittal yet the design did not flow with the character of the area. She confirmed with MR. CLAPSADDLE that the revised roof design is not as apparently visible from the street as the earlier version.

CRAIG KENNY, 723 South 7th Street, explained he was out of town when this item was previously heard and abeyed and that he had his brother come to represent him at that time. He gave a history about his practice and the property in question. When he started his firm, he worked out of two leased offices in another lawyer's office. After the first year, his staff grew to five persons and he purchased the building at 723 South 7th Street, which is the building located directly behind the property on this application. The 7th Street property had a house built in 1951 with a two-story addition built behind the original house in 1991. By the time he had purchased the home in 1996, a wall was removed. By 1998, his firm had again grown beyond its surroundings and he brought a request to the City asking for an additional 1500 to 1600 square foot addition. Parking was a concern but the item was eventually approved and built. In 2003, he was again required to procure additional space for his expanding business and he was able to purchase the building behind him at 724 South 8th Street, the property on this application.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 22 – VAR-4725

MINUTES – Continued:

MR. C. KENNY assured the Commissioners that parking is not a problem. He indicated that approximately four months ago, the City paved an alley which required closure approximately two months. During those months, no one on the west side of 7th Street or the east side of 8th Street was able to park in that alley and had to park on the street. There were no problems during this time.

COMMISSIONER DAVENPORT questioned the KENNYS where the exhibit photo of the parking lot was taken. MR. C. KENNY indicated the photo showed the 8th Street building from the back of the 723 South 7th Street property. COMMISSIONER GOYNES confirmed that the proposed addition would occupy the space shown in the photo.

COMMISSIONER STEINMAN recollected that he had brought up the issue of parking when the item was previously heard and that MR. B. KENNY informed him there was no problem. The Commissioner indicated that since that time, he had personally visited the area in question and he found parking to be a problem. COMMISSIONER STEINMAN referenced a letter from a resident on 8th Street who was in protest of the approval of the parking variance because at this time, they have trouble parking in front of their own home. As the area develops further, the parking will only worsen. He concurred with staff that this property is overdeveloped.

MR. B. KENNY respectfully disagreed with COMMISSIONER STEINMAN and stated that he works there and uses the ingress/egress daily and Gass Avenue is usually empty. Regarding 7th and 8th Street, there are clients going in and out daily; however, he has never had a client indicate parking was difficult or troublesome. COMMISSIONER STEINMAN indicated that each time a variance is granted, those empty street spaces disappear. He said that he visited the area in both the morning and the afternoon and he continued to believe parking is an issue. He commented that the properties in that area are being developed nicely but the parking situation must be monitored.

COMMISSIONER EVANS also disagreed with COMMISSIONER STEINMAN and indicated that he has been in the area numerous times and although sometimes he has had to park on the street or in the back, he never had a problem finding parking there. He did indicate concerns over a comment previously made that there is no intention to increase staff once the addition is completed. MR. C. KENNY responded that he currently has two or three people occupying offices intended for just one person. The addition would be an attempt to give everyone their own office and add space for storage, a copy room and a conference room. He confirmed he is not adding any additional attorneys or staff at this time.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 22 – VAR-4725

MINUTES – Continued:

COMMISSIONER EVANS was under the impression that the applicant intends to build a second story addition onto one of the existing buildings. COMMISSIONER DAVENPORT clarified with the applicant that it is a request to add an additional structure.

COMMISSIONER EVANS informed the Commission that MR. C. KENNY sponsors a charitable benefit that he estimates approximately 500 people attend and although it is in the evening, everyone finds parking. He added that there are new buildings downtown, which replaced homes that were demolished. Although the buildings are attractive, they do not fit in with the character of the neighborhood. He declared that, in his opinion, lawyers have been the saviors of maintaining the residential character of the downtown area. He expressed hope that as the loft and high-rise projects are built downtown, some of the law firm employees would consider living in the downtown area and walk to work.

COMMISSIONER McSWAIN questioned whether or not there were futuristic plans for parking garages in the downtown area since so many parking waivers in this area have been granted and there are several new developments proposed for the area. She questioned if perhaps the waivers are granted because there will be a parking structure eventually. Currently, the nearest parking structure is across Las Vegas Boulevard.

CHAIRMAN TRUESDELL stated he is happy that firms downtown are wanting to grow and expand, but to visit earlier comments made by COMMISSIONER EVANS, he believed the applicant would in fact add more staff as the practice grew. He questioned how many employees, partners and associates would occupy the existing and new buildings. MR. C. KENNY replied that there are currently three lawyers and three staff members. He confirmed for CHAIRMAN TRUESDELL that the number of employees would remain at six. MR. C. KENNY then indicated an additional six employees would be moved from their other office to the new addition to make a total of 12 employees in the new building with nine spaces. MR. C. KENNY explained that he lives in Anthem Country Club and he has five staff members in the same area and employees carpool to work alleviating parking issues.

CHAIRMAN TRUESDELL indicated parking usually averages three spaces per 3,000 square feet. As the downtown area grows, a very uncomfortable parking situation would result if parking variances and waivers are granted over and over again. He concurred with staff's assessment that the site is overbuilt. He suggested that had the project been three levels with, perhaps, the first level being parking, he would be more apt to support it. CHAIRMAN TRUESDELL would like to encourage growth in the downtown area yet do so without granting waivers that are not acceptable to the process.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 22 – VAR-4725

MINUTES – Continued:

MR. C. KENNY acknowledged the Chairman's concerns and indicated that when he stood before the Commission six years prior, for his last addition, the same concerns were raised; however, there has been no problem. He informed the Commission that the Clark County Bar Association is directly across the street from his project and they have approximately 12 employees including the law firm located above the Association. Should parking be a concern in the future, MR. C. KENNY indicated he would go to a neighbor with parking spaces and lease some of them. He also indicated that the building located at 725 South 7th Street is a residence and the owner has given him the first opportunity to purchase the property should she decide to move.

MR. B. KENNY also said that in reference to the comments made of keeping to the character of the neighborhood, there is a Land Title building directly across from one of their properties and there is plenty of space there as well. He referenced COMMISSIONER EVAN'S comments regarding keeping in conformance with the neighborhood or as an alternative, building a huge office building. He stated they wish to keep in conformity with the residential structure of the neighborhood while giving the clients an aesthetically pleasing building. The expansion would also benefit clients as the practice specializes in Disability Law and it would allow more space and a downstairs conference room. Sharing in MAYOR GOODMAN'S vision for downtown, MR. B. KENNY indicated the firm would stay in the downtown area.

COMMISSIONER GOYNES reiterated the property is overbuilt. He commended the law firm for encouraging carpooling because he is the President of the Club Ride Alternative Commute Program. However, he did not feel that carpooling could be made a standard for the downtown businesses in order to free up parking for clients. Looking at the project from a planning and site perspective, it is a lot of building on the property. He acknowledged the expense of underground parking but suggested it may be an alternative to the overbuilding of the site.

MR. C. KENNY thanked the Commissioners for their consideration.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 22 [VAR-4725], Item 23 [VAR-5032] and Item 24 [SDR-4724].

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAR-5032 - VARIANCE RELATED TO VAR-4725 - PUBLIC HEARING - APPLICANT/OWNER: CRAIG P. KENNY - Request for a Variance TO ALLOW THE ENLARGEMENT OF AN EXISTING NONCONFORMING BUILDING TO BE 205 PERCENT OF THE SIZE OF THE ORIGINAL FOOTPRINT, WHERE 50 PERCENT IS THE MAXIMUM ALLOWED on 0.20 acres at 724 South Eighth Street (APN 139-34-810-035), P-R (Professional Office and Parking) Zone, Ward 5 (Weekly).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES - DENIED – Motion carried with DAVENPORT and EVANS voting NO and NIGRO excused

This is Final Action

NOTE: COMMISSIONER EVANS disclosed that he knows the KENNY brothers on a professional basis. He has no personal involvement with their applications and no financial interest in their business, so he would be voting on these items.

CHAIRMAN TRUESDELL disclosed that he does own property in the downtown area. However, the property is not within the notification area nor does the project have any impact on his property, so he would be voting on these items.

MINUTES:

Note: See Item 22 [VAR-4725] for all related discussion on Item 22 [VAR-4725], Item 23 [VAR-5032] and Item 24 [SDR-4724].

(7:48 – 8:17)

2-590

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - SDR-4724 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-5032 AND VAR-4725 - PUBLIC HEARING - APPLICANT/OWNER: CRAIG P. KENNY - Request for a Site Development Review FOR A PROPOSED TWO-STORY, 4,320 SQUARE FOOT OFFICE ADDITION on 0.20 acres at 724 South Eighth Street (APN 139-34-810-035), P-R (Professional Office and Parking) Zone, Ward 5 (Weekly).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES - DENIED – Motion carried with DAVENPORT and EVANS voting NO and NIGRO excused

Final Action

NOTE: COMMISSIONER EVANS disclosed that he knows the KENNY brothers on a professional basis. He has no personal involvement with their applications and no financial interest in their business, so he would be voting on these items.

CHAIRMAN TRUESDELL disclosed that he does own property in the downtown area. However, the property is not within the notification area nor does the project have any impact on his property, so he would be voting on these items.

MINUTES:

Note: See Item 22 [VAR-4725] for all related discussion on Item 22 [VAR-4725], Item 23 [VAR-5032] and Item 24 [SDR-4724].

(7:48 – 8:17)

2-590

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - SUP-4728 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: NEWPORT LOFTS - OWNER: SEEGMILLER PARTNERS, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT on 0.48 acres at 821, 827, and 829 South Casino Center Boulevard and 205 Hoover Avenue (APN 139-34-410-062, 063, 064, and 065), C-2 (General Commercial) Zone and R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – APPROVED subject to conditions – UNANIMOUS with NIGRO and McSWAIN excused

To be heard by the City Council on 10/06/2004

NOTE: CHAIRMAN TRUESDELL disclosed that he does own property in the downtown area. However, the property is not within the notification area nor does the project have any impact on his property, so he would be voting on these items.

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 25 [SUP-4728] and Item 26 [SDR-4727].

DAVID CLAPSADDLE, Planning and Development Department, indicated that the 199 proposed parking spaces would be located on floors two, three and six and also in the basement.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 25 – SUP-4728

MINUTES – Continued:

Residential uses will be on levels seven through twenty. The building does not meet the step-back requirements on the fourth, eleventh and eighteenth stories; however, staff feels there is enough articulation to warrant approval of the waiver. The streetscape meets the requirements of the Centennial Plan. Staff is asking for shade trees on Hoover Avenue instead of palm trees as proposed on the Site Plan. Also, staff would like to have a condition in place requiring the applicant to apply for a Special Use Permit should they decide to place any electronic billboards on the facade in the future. MR. CLAPSADDLE then read a summary of the conditions associated with the three items.

MARGO WHEELER pointed out that the title of the Agenda Summary Page for Item 26 [SDR-4727] represents a 22-story building in error, the correct verbiage should be 23-story. An applicant representative ROCKY DERRICK, no address given, noted another correction to the same page, that the 169 residential units should actually be 168. He also stated the added parking will take up floors two through seven, not two through six as indicated by MR. CLAPSADDLE.

WILLIAM SEEGMILLER, 10866 Willow Heights, appeared with his brother CLARK SEEGMILLER and SAM CHERRY, co-developers in this project. They supplied a rendering of the project and offered to answer any questions from the Commission. MR. SEEGMILLER indicated the project is one block away from the SOHO Loft project MR. CHERRY is currently developing.

COMMISSIONER GOYNES commended the applicants on a great project and indicated it could set the tone for new revitalization. He questioned if the gap shown in the photo between the top of the roof and the top floor of the building was open space. MR. SEEGMILLER informed him that would be an amenity deck including a pool, a running deck, an exercise room and a community center. MR. SEEGMILLER stated that the nearby SOHO Loft project is selling well and they think this project will also do well.

Making reference to the City's desire to have affordable housing, COMMISSIONER STEINMAN asked the applicant to speculate on the size of the units and the price ranges. MR. SEEGMILLER indicated the goal is to make the price points low enough to encourage people to move into the downtown area and to take the Metro into the area and walk to work. He stated the smallest unit is approximately 750 to 800 square feet and the largest being approximately 2,000 square feet. The price range would begin at the higher end of two hundred thousand dollars.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 25 – SUP-4728

MINUTES – Continued:

COMMISSIONER STEINMAN also questioned the formula used to compute parking spaces required per unit and for the commercial aspect of the building. MR. CHERRY informed him that parking could only be taken so high because people will get dizzy trying to drive up to the fifteenth floor to park. The studies they referenced are bringing in parking stalls for the commercial aspect of the property at 1-¼ to 1-½ per unit. He explained that in some cities, such as Chicago and New York, there is zero parking. MR. CHERRY said it is not the time to try and eliminate parking completely but they are dedicating only one stall per unit and two for each penthouse because they are larger. MR. DERRICK added that there are 203 spaces for 168 units so there will be approximately 30 “second spaces” for some of the larger units to use. This will leave 26 spaces for the retail component, which is approximately 5,000 square feet.

COMMISSIONER EVANS pointed out that at this time, there is really no way to predict what the parking needs will be because none of the newest buildings going into the downtown area have opened yet. He also pointed out that many of these types of homes would be second homes for people from out of state. When he lived in Washington D.C., he lived in a 10-story apartment building that had no allotted parking space. This was not an issue for him because he did not have a car. The Commissioner does not feel the downtown area is prepared to give up reliance on automobiles at this time. COMMISSIONER STEINMAN concurred. COMMISSIONER EVANS then stated that he has spoken with individuals who have expressed interest in living downtown in one of the proposed high rises and many of them work at the Federal Building and at the Courts.

CHAIRMAN TRUESDELL asked the applicant to describe the exterior of the building. MR. DERRICK explained they would be using a panelized system that will be a color similar to concrete grey. The windows will be reflective blue glass. The system will also be used on the exterior of the parking structure with some added detail to dress up the area. He confirmed with CHAIRMAN TRUESDELL the panelized system would be hung on a steel structure. The patios would be concrete slabs off of the steel frame of the structure. The Chairman said the project sounded exciting and because they do take so long from start to finish, staff has not learned all of the questions to ask because there is nothing similar finished yet. Eventually, staff and the Commission will have to look at project staging and issues such as road closures.

MR. SEEGMILLER asked the Commission to consider the deletion of Condition 22 on application SDR-4727. The condition pertains to aerial encroachments, which would include the patios and facades. He stated one of the goals, in keeping with the Centennial Plan, is to avoid a box like structure and to have a greater degree of facade articulation. Also, the balconies do expand the sellable square footage of the units. GINA VENGLASS, Department of Public Works, indicated that it is the duty of the Public Works staff to obtain and preserve the public

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 25 – SUP-4728

MINUTES – Continued:

right-of-way. Title 13 defines the right-of-way as public property dedicated for streets, alleys or other public uses. Staff feels that the balconies and facades on the buildings are not of public use and not a benefit to the public and that is why Staff does not recommend aerial encroachments.

DEPUTY CITY ATTORNEY BRYAN SCOTT confirmed for COMMISSIONER STEINMAN that this is not an aerial rights issue but is an encroachment issue. The items extend into the public right-of-way and an encroachment agreement is required. MR. DERRICK pointed out that the first level of units and therefore the first level of encroachment would be at 82 feet and would extend out six feet. He added that the lot size is slightly less than one half acre with 168 units. This density unit to the acre is typical for urban downtown living. To complete the project as planned, the encroachment is necessary. Without it, the applicant will have to step into the living space to have the balconies and that would be difficult on such a small parcel.

COMMISSIONER STEINMAN asked MS. VENGLASS to elaborate on the problems that could arise should the encroachment be allowed at that height. She indicated that currently, there are no known problems and nothing is foreseen at this time. However, there is no way to predict what could happen in the future. She stated it is only a recommendation and that the Commission and the Council always have the ability to do as they think best.

Referencing Condition 22, COMMISSIONER EVANS interpreted the language as requiring an encroachment for ground level encroachments and that the City Engineer could allow the aerial encroachment. MS. VENGLASS confirmed his assessment and indicated a meeting had already taken place, as the City Engineer has chosen not to allow it. COMMISSIONER DAVENPORT questioned staff as to whether the SOHO Loft project was given a zero lot line. MR. CHERRY replied that it was a zero lot line with an encroachment agreement on file with the City. COMMISSIONER STEINMAN felt this type of encroachment would be common in larger cities. Since the product is so new for the City of Las Vegas, staff and the Commission will have to adapt to deal with issues such as this.

COMMISSIONER DAVENPORT questioned if the condition could be amended to specify no aerial encroachment within the first 82 feet. MR. DERRICK stated that it would be acceptable to amend the language that way as long as the canopies on the retail level of the main floor would not be prohibited. MS. VENGLASS verified the canopies would be allowed. COMMISSIONER DAVENPORT indicated he could support the item with the language prohibiting aerial encroachments within the first 82 feet of the structure. DEPUTY CITY ATTORNEY SCOTT stated that should the verbiage be amended as such, the meaning of Condition 22 would not be altered, the agreement would be required for the areas above 82 foot.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 25 – SUP-4728

MINUTES – Continued:

CHAIRMAN TRUESDELL indicated this is an example of the types of issues the Commission will have to deal with as new projects, such as this one, are developed. He suggested the Commission move the item forward to Council with the condition as is. In doing this, the applicant will have more time to work with staff. COMMISSIONER EVANS stated the City does not want to impede progress of this project but the issue needs to be resolved. COMMISSIONER STEINMAN asked why this was an issue when it has already been done on the SOHO project right down the street. CHAIRMAN TRUESDELL told him the projects differ and so do the locations and the types of encroachments.

COMMISSIONER DAVENPORT began a motion for approval of Item 26 [SDR-4727], which included the deletion of Condition 22 in its entirety. MS. VENGLASS suggested that he perhaps leave the first sentence requiring the agreement and possibly deleting the last sentence or amending the verbiage.

MARGO WHEELER, Deputy Director, Planning and Development, confirmed for the Commission that the deletion of the final sentence would accomplish what COMMISSIONER DAVENPORT had requested. COMMISSIONER DAVENPORT amended his motion to delete only the final sentence of Condition 22.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 25 [SUP-4728] and Item 26 [SDR-4727].

(8:17 – 8:40)
2-1648

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.04.050 for a Mixed-Use development.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-4727).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ABEYANCE - RENOTIFICATION - SDR-4727 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4728 - PUBLIC HEARING - APPLICANT: NEWPORT LOFTS - OWNER: SEEGMILLER PARTNERS, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review and a Waiver of Downtown Centennial Plan building setback standards FOR A PROPOSED MIXED-USE DEVELOPMENT CONSISTING OF A 22-STORY BUILDING OF 169 RESIDENTIAL UNITS AND 6,159 SQUARE FEET OF RETAIL on 0.48 acres at 821, 827, and 829 South Casino Center Boulevard and 205 Hoover Avenue (APN 139-34-410-062, 063, 064, and 065), C-2 (General Commercial) Zone and R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – APPROVED subject to conditions and amending the following condition:
22. Submit an Encroachment Agreement for all landscaping and private improvements, located within the Casino Center Boulevard and Hoover Avenue public rights-of-way adjacent to this site prior to occupancy of this site.
– UNANIMOUS with NIGRO and McSWAIN excused

To be heard by the City Council on 10/06/2004

NOTE: CHAIRMAN TRUESDELL disclosed that he does own property in the downtown area. However, the property is not within the notification area nor does the project have any impact on his property, so he would be voting on these items.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 26 – SDR-4727

MINUTES Continued:

Note: See Item 25 [SUP-4728] for all related discussion on Item 25 [SUP-4728] and Item 26 [SDR-4727].

(8:17 – 8:40)

2-1647

CONDITIONS – Continued:

Planning and Development

1. A Special Use Permit (SUP-4728) to allow Mixed-Use development approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, date stamped 07/27/04, except as amended by conditions herein.
4. The Waiver from the Downtown Centennial Plan building stepback requirement is hereby approved, based on the proposed façade articulation and level of detail of the elevations.
5. The streetscape treatment shall be reviewed and approved by the Planning and Development Department staff for conformance with the Downtown Centennial Plan prior to the time application is made for a building permit. Landscaping and a permanent underground sprinkler system for the landscape materials shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
6. The applicant shall be required to provide and install standard Fourth Street style fixtures in place of existing fixtures. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.
7. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 26 – SDR-4727

CONDITIONS – Continued:

8. All mechanical equipment shall be fully screened from street level and surrounding building views.
9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
10. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location.
11. Utilities and power service lines in alleys shall be located underground; the property owner shall be required to provide for their proportionate share of the utility relocation and alleyway treatment pursuant to a schedule as adopted by City Council. In addition, the surfacing of the alley shall conform to the Alleyway Treatment, as depicted in Graphic 4 of the Downtown Centennial Plan.
12. Signage for the development shall be permitted in conformance with the requirements of Title 19.14.
13. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

14. Coordinate with the City Surveyor to determine whether a Reversionary Map or other map is necessary; if such a map is required, it should record prior to the issuance of any permits for this site.
15. Dedicate a 10 foot radius on the northeast corner of Casino Center Boulevard and Hoover Avenue prior to the issuance of any permits.
16. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
17. Construct all incomplete half-street improvements on Hoover Avenue adjacent to this site concurrent with development of this site.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 26 – SDR-4727

CONDITIONS – Continued:

18. Landscape and maintain all unimproved rights-of-way on Casino Center Boulevard and Hoover Avenue adjacent to this site.
19. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
20. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.
21. Submit an Encroachment Agreement for all landscaping and private improvements, located within the Casino Center Boulevard and Hoover Avenue public rights-of-way adjacent to this site prior to occupancy of this site. Aerial encroachment shall not be permitted unless allowed by the City Engineer.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAR-5039 - VARIANCE - PUBLIC HEARING - APPLICANT: URBAN ESTATES - OWNER: FRANK HAWKINS JR. - Request for a Variance TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT ON 4.5 ACRES WHERE 5.00 ACRES IS THE MINIMUM REQUIRED AT 711 N. Tonopah Drive (APN: 139-29-704-017), R-1 (Single Family Residential) Zone under Resolution of Intent to R-3 (Medium Density Residential) Zone, Proposed: R-PD13 (Residential Planned Development - 13 Units per Acre) Zone, Ward 5 (Weekly).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions – Motion carried with TRUESEDELL voting NO and NIGRO and McSWAIN excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESEDELL declared the Public Hearing open on Item 27 [VAR-5039], Item 28 [ZON-4923] and Item 29 [SDR-4924].

GARY LEOBOLD, Planning and Development Department, stated that per Title 19.06.04 (A), the minimum site area for RPD is five acres and the subject site is four and one half acres which is an approximate 10% deviation from the standard. This project, as designed, does not fit into the parameters of Standard Residential Zoning District under the code. He indicated the property is an infill piece and there is no alternate design or option that would allow for conformance to Title 19. Therefore, the hardship is genuine.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 27 –VAR-5039

MINUTES – Continued:

Regarding the zoning application, the proposed R-PD13 zoning category does conform to the density requirements of the M Land Use designation. He pointed out the property is located in the West Las Vegas Plan Area, the plan designations conform to the General Plan with respect to the site. The Plan is under review and the land use decisions will likely be referred to the Las Vegas Redevelopment Plan because the site is located within an expansion area, which has not been approved by the City Council. He continued by saying it is likely the Redevelopment Plan will designate the area as MXU (Mixed Use), which does include M General Plan Land Use Designation.

With respect to the Site Plan, the proposal is for 60 single-family lots with an overall density of 13.3 units per acre, in clusters of eight and will be serviced by private drives. The lots average approximately 1300 square feet with an 880 square foot footprint and are surrounded by substantial amounts of open space. The elevation is a three-story, family product with a maximum building height of 35 feet. The living areas are approximately 1720 square feet with a two-car garage. Because the units are clustered into groups of eight, there will be a requirement that all units are equipped with sprinklers.

SHARON BULLOCK, 2009 Alta Drive, appeared on behalf of the applicant and stated concurrence with the Variance and Zoning conditions. Regarding the Site Development Plan Review, she corrected MR. LEOBOLD'S comments regarding the square footage of the living areas, as they are 2240 square feet, not 1720 square feet. She also commented on Condition 10 regarding the block wall requirement, stating the perimeter walls are in place on the north, east and south sides of the property. She indicated the applicant would be happy to paint the wall in contrasting colors to make it aesthetically pleasing and would be installing a wrought iron fence on the other side.

MS. BULLOCK showed the elevations for the building at COMMISSIONER GOYNES request and she described the look of the buildings as urban loft. She explained the first floor would be the rear loaded garage and a bonus room; the second floor would be the living quarters and bedrooms would be on the third floor. COMMISSIONER GOYNES acknowledged the challenges associated with building cluster homes at an affordable price without over saturating the density of the development. MS. BULLOCK agreed and informed the Commission that the development is required to provide 43,000 square feet of open space and the development supplies 56,000 square feet. The surrounding properties are zoned RPD-16 and she confirmed it is tight.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 27 –VAR-5039

MINUTES – Continued:

COMMISSIONER GOYNES said that this project reminds him of another project by the same applicant at Martin Luther King Boulevard and Lake Mead Drive called Whispering Timbers. He indicated that he originally had some reservations about that project but as it developed, he did not have any complaints about it. He confirmed with MS. BULLOCK that it had sold out. She pointed out that with the other development coming into the area such as the Cox building, a Terrible Herbst and a Starbucks, there is a need for single-family products in the area.

CHAIRMAN TRUESDELL stated he has been a proponent of good development in West Las Vegas. He referenced a cluster home project at Rancho Drive and Washington Avenue. It was presented as a very attractive solution but upon completion, some people were disappointed in the final product. He confirmed with MS. BULLOCK that the proposed project will have the buildings three feet apart with desert landscaping between each building. MS. BULLOCK indicated it would have desert landscaping. COMMISSIONER TRUESDELL stated he would like to have seen more articulation instead of buildings he described as flat faced, three story products. He also would like to have seen more creativity with the landscaping. MS. BULLOCK said that perhaps the applicant could use varying colors and use some pop outs to make the buildings look slightly different. She informed CHAIRMAN TRUESDELL that to make the housing affordable, the applicant had no choice but to build upwards, resulting in a three-story product.

CHAIRMAN TRUESDELL asked if there would be a Homeowners Association (HOA). MS. BULLOCK indicated the street would be a public street. MR. LEOBOLD added that there will not be a requirement for an HOA for the street; however, the common areas and the private drives will require one.

COMMISSIONER EVANS stated he liked the idea of the rear loading garages. He added that he understood the Chairman's comments regarding the aesthetics. One way to mitigate a relatively non-articulated building would be with the landscaping. He hoped the applicant would look into landscaping as a solution. MS. BULLOCK concurred and indicated previous projects the applicant has developed will prove that concurrence.

COMMISSIONER EVANS asked the applicant to clarify their request regarding Condition 10. MS. BULLOCK indicated Condition 10 required the perimeter wall to be in contrasting colors. She reiterated the walls are already in place on the north and west property lines and 80 percent of the south property line. There is no wall built on the east property line. MARGO WHEELER, Deputy Director, Planning and Development, clarified that Condition 10 only applies to any wall that may be added, not to the existing walls.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 27 –VAR-5039

MINUTES – Continued:

COMMISSIONER EVANS then questioned CHAIRMAN TRUESDELL about any amendments that could be made that would allow the Chairman to approve the project. CHAIRMAN TRUESDELL indicated his visual concerns were that if you looked down the proposed street, to the west, the buildings are situated in such a way that a canyon effect would be created. He would support the Site Plan if the applicant agreed to work with Planning and Development on articulating those elevations. MS. BULLOCK stated the applicant's willingness to do so. CHAIRMAN TRUESDELL also indicated that, in his opinion, the existing walls should conform to the condition in question. MS. BULLOCK indicated the wall on the east property line would be constructed with wrought iron. She confirmed that eight units would face that wall.

COMMISSIONER EVANS agreed with CHAIRMAN TRUESDELL about the canyon effect the buildings would create. He struggled to find language that would amend a condition that would result in more of what the Chairman was looking for. CHAIRMAN TRUESDELL said that this has the opportunity for being a great project. He felt that affordable housing could be created and still remain dynamic. He informed MS. BULLOCK that he would support the item if the applicant agreed to work with staff on some of his concerns. MS. WHEELER crafted a condition to incorporate into COMMISSIONER EVANS motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 27 [VAR-5039], Item 28 [ZON-4923] and Item 29 [SDR-4924].

(8:40 – 9:02)

2-2687

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4923) and Site Development Plan Review [SDR-4924].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

ZON-4923 - REZONING RELATED TO VAR-5039 - PUBLIC HEARING - APPLICANT: URBAN ESTATES - OWNER: FRANK HAWKINS JR. - Request for a Rezoning FROM: R-1 (SINGLE-FAMILY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO R-3 (MEDIUM DENSITY RESIDENTIAL) TO: R-PD13 (RESIDENTIAL PLANNED DEVELOPMENT - 13 UNITS PER ACRE) on 4.50 acres at 711 North Tonopah Drive (APN 139-29-704-017), Ward 5 (Weekly).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions – Motion carried with TRUESDELL voting NO and NIGRO and McSWAIN excused

To be heard by the City Council on 10/06/2004

MINUTES:

See Item 27 [VAR-5039] for all related discussion on Item 27 [VAR-5039], Item 28 [ZON-4923] and Item 29 [SDR-4924].

(8:40 – 9:02)

2-2687

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Variance application (VAR-5039) to allow R-PD development on a site smaller than five acres and a Site Development Plan Review application (SDR-4924) approved by the

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 28 – ZON-4923

CONDITIONS – Continued:

Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Construct half-street improvements including appropriate overpaving on Tonopah Drive adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
4. Coordinate with the Collection Systems Planning Section of Public Works to determine appropriate public sewer paths to service this site prior to the submittal of any sewer-related construction drawings. Offsite public sewer improvements may be required to address capacity issues associated with this project.
5. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SDR-4924 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-5039 AND ZON-4923 - PUBLIC HEARING - APPLICANT: URBAN ESTATES - OWNER: FRANK HAWKINS JR. - Request for a Site Development Plan Review FOR A PROPOSED 60-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.50 acres at 711 North Tonopah Drive (APN 139-29-704-017), R-1 (Single-Family Residential) Zone under Resolution of Intent to R-3 (Medium Density Residential) [PROPOSED: R-PD13 (Residential Planned Development - 13 Units per Acre)], Ward 5 (Weekly).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to conditions and adding the following condition:

- *The applicant shall work with the Department of Planning and Development staff to add articulation to the side elevations.*

– UNANIMOUS with NIGRO and McSWAIN excused

To be heard by the City Council on 10/06/2004

MINUTES:

See Item 27 [VAR-5039] for all related discussion on Item 27 [VAR-5039], Item 28 [ZON-4923] and Item 29 [SDR-4924].

(8:40 – 9:02)

2-2687

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 29 – SDR-4924

CONDITIONS:

Planning and Development

1. A Rezoning [ZON-4923] to an R-PD13 (Residential Planned Development - 13 Units per Acre) Zoning District and a Variance (VAR-5039) approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations dated 06/04/04, except as amended by conditions herein.
4. The standards for this development shall include the following: minimum distance between buildings of 6 feet, and building height shall not exceed three stories or 35 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 3 feet on any property line.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters along Tonopah Drive.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City departments must be satisfied.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 29 – SDR-4924

CONDITIONS – Continued:

13. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
14. All development shall be in conformance with the site plan and building elevations, date stamped 07/27/04, except as amended by conditions herein.

Public Works

15. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
17. Site development to comply with all applicable conditions of approval for ZON-4923 and all other subsequent site-related actions.
18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAR-4922 - VARIANCE - PUBLIC HEARING - APPLICANT: HARRY PAPPAS - OWNER: CAROL PAPPAS, ET AL - Request for a Variance TO ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 20 FEET IS THE MINIMUM REQUIRED AND AN EIGHT-FOOT SIDE YARD SETBACK WHERE NINE FEET IS THE MINIMUM REQUIRED in conjunction with a proposed single-family dwelling on 0.28 acres at 3217 Westleigh Avenue (APN 162-05-220-006), R-PD3 (Residential Planned Development - 3 Units per Acre), Ward 1 (Moncrief).

P.C. FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – APPROVED subject to conditions and adding the following condition:

- *The variance will be for a seven-foot setback instead of nine-foot setback.*
- UNANIMOUS with NIGRO and McSWAIN excused

This is Final Action

MINUTES:

COMMISSIONER GOYNES declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, stated the applicant is requesting to build a home on a lot that is affected by the bulb of the cul-de-sac. Showing the Site Plan, he indicated it is not uncommon for lots built on a cul-de-sac to require special design consideration; however, this lot is over a quarter acre in size and large enough to support a residence of smaller dimension or one designed to fit on the lot. Since the use of the

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 30 –VAR-4922

MINUTES – Continued:

property is not denied and there is no indication that a residence with a different design could not be built on the lot, the basis for granting the variance is not warranted. The proposed project could be redesigned to conform with the Code, so staff recommended denial.

HARRY PAPPAS appeared and pointed out the areas of the plan that require a setback variance. At the front of the home, he requested a ten-foot variance to accommodate the plans for the bedroom. He also needed approval of a six-foot variance for the gatehouse, which is also located to the front of the home. A wall on the side of the garage will require approval of a two-foot variance and MR. PAPPAS indicated the City's notification erroneously noted it as one foot.

MR. PAPPAS stated the cul-de-sac radius and setback requirements are causing him to lose approximately 40 feet of building from the home. He also pointed out that the City through condemnation has already taken two portions of his parcel. His family built the development surrounding this cul-de-sac in 1986 and owns all of the homes except two. The street is private and his family owns and maintains it. No one in the neighborhood has a problem with the proposed 3400 square foot custom home or the variance request. He summarized his hardship by saying it is City imposed because of the portions of land taken on Oakey Boulevard as well as the City requirement on the setback at the front of the home when there was already 20 feet lost in the cul-de-sac radius. Building a symmetrical home on this lot would be difficult.

COMMISSIONER DAVENPORT stated that if the City had not taken the property on Oakey Boulevard through condemnation, the variance would not have been required at all. He agreed with MR. PAPPAS that the situation has resulted from City actions. COMMISSIONER EVANS concurred and confirmed with MR. PAPPAS that his current custom home design could not be built on the lot without approval of the variance. He clarified with staff that MR. PAPPAS was seeking a ten-foot variance at the front of the house when a 20-foot setback is required and that he requested a seven-foot variance on the side yard where nine-foot setback is required. MR. PAPPAS reiterated that he had originally requested seven feet and the paperwork generated by the Planning Department erroneously indicated eight feet. MARGO WHEELER, Deputy Director, Planning and Development, clarified with MR. PAPPAS that he was requesting a seven-foot setback variance. She crafted an added condition for the motion amending the setback as such and indicated the change should be noted because without doing so, the action would be based on the title of the item. COMMISSIONER DAVENPORT confirmed with MR. PAPPAS he was in agreement with the conditions and incorporated MS. WHEELER'S suggested language into his motion.

COMMISSIONER GOYNES declared the Public Hearing closed.

(9:02 – 9:14)

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 30 – VAR-4922

CONDITIONS:

Planning and Development

1. The Variance in the front yard be granted for no more than six feet from the property line.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAR-4925 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SHARON JAMERSON - Request for a Variance TO ALLOW A SIDE YARD SETBACK OF FOUR FEET WHERE FIVE FEET IS THE MINIMUM REQUIRED AND A VARIANCE TO ALLOW A NINE-FOOT SEPARATION BETWEEN DWELLINGS WHERE 10 FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH AN EXISTING SINGLE-FAMILY RESIDENCE on 0.12 acres at 880 Balzar Avenue (APN 139-21-510-273), R-2 (Medium-Low Density Residential) Zone, Ward 5 (Weekly).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to condition – UNANIMOUS with NIGRO and McSWAIN excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 31 [VAR-4925] and Item 32 [VAR-4926].

GARY LEOBOLD, Planning and Development Department, explained that building permits were issued to the owners to construct residences with five-foot side yards. Upon construction, an abutting property owner registered a complaint that the residences were being constructed without meeting the five-foot side yard clearances. It was determined that the buildings are approximately six inches off center. These requests are for a one-foot variance to the side yard setback on the east side of Item 31 [VAR-4925] and on the west side for Item 32 [VAR-4926].

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 31 –VAR-4925

MINUTES – Continued:

He indicated the hardship is self-imposed because the reduced side yard is due to a six-inch error in the placement of the foundation. SHARON JAMERSON, 3517 North Ernest Street, appeared and indicated the foundation being poured six inches off where it should have been poured was a simple error by one of the construction workers. She stated that she could not see any problems that could be attributed to the six-inch discrepancy and questioned the Commission on what her options were to remedy the problem. She indicated the area was built in 1929 and there are many streets and property lines in the area that are not accurate. She indicated that when the measurements were taken on her property, they were believed to be correct.

EDDIE STEWART, 874 Balzar Avenue, explained he lives adjacent to one of the homes being built by MS. JAMERSON. He was very unhappy about how close one of the new homes is to his home. His primary concern was that the homes being too close together would be dangerous in case of a fire. There are no fire hydrants close by. He indicated that a City employee told him that he would get four feet on his lot and MS. JAMERSON would take five feet. MR. STEWART found that to be unacceptable.

MR. STEWART said that MS. JAMERSON does not intend to live in the homes; they are being built for monetary gain only. He had no problem with developing for profit; however, things should have been done correctly from the start and as the adjacent resident, he is left having to live with the error. MR. STEWART said he has lived in this home since 1970 and he acknowledged the property lines in the area are inconsistent. He stated that when construction began, he pointed out to the construction workers that they were not measuring correctly from the property line and his comments were ignored. He stated that when he went back to the City to report it, he was told to quit coming to complain about the situation. He felt the City employee was wrong to say so. CHAIRMAN TRUESDELL asked that staff investigate and find out which employee MR. STEWART had been dealing with. MR. STEWART thanked the Commission for listening.

COMMISSIONER DAVENPORT questioned staff about the distance variance being requested for the space between both of the new homes or between one of the new homes and MR. STEWART'S home. MR. LEOBOLD indicated Item 31 [VAR-4925] is for the space between one of MS. JAMERSON'S new homes and MR. STEWART'S residence. Item 32 [VAR-4926] is for the space between both of MS. JAMERSON'S new homes.

MR. STEWART added that in his opinion, the MS. JAMERSON'S lot is the right size for one common home. He would not build two homes there. He said a more suitable project would be to build a home 20 feet wide and pick up the rest of the footage by building long. This would leave adequate space on each side so if there were a fire, it would be contained to the one home and not spread to other homes because they are situated so close together.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 31 – VAR-4925

MINUTES – Continued:

MS. JAMERSON stated that she sent a surveyor out once the problem was brought to her attention and the surveyor did confirm there is 10 feet between the homes on Item 31; however, it is not distributed equally. He also confirmed that MR. STEWART is short on his property as well.

Looking at a photo of the homes which show MS. JAMERSON's project under way, COMMISSIONER GOYNES commented that to remedy this situation, the home closest to MR. STEWART'S would have to be torn down and slightly moved to the west. He confirmed with MS. JAMERSON that the distance between the two homes is nine feet seven inches. MR. LEOBOLD indicated the home does not meet the 10-foot distance separation requirement nor does it result in the necessary five-foot balance between both homes.

In looking at the photos, CHAIRMAN TRUESDELL estimated the setback to be about three feet. MARGO WHEELER, Deputy Director, Planning and Development, explained that the building permits were issued and three feet is a common setback on many small lots. In this case, the zoning requires five feet; however, the building code does not. Because of this, the variance could be granted without affecting the validity of the building permit. She also indicated that when plans come in on a project, the property lines are assumed. The requirement of a survey is only imposed when there is a line in question. Once the line was questioned on this application, the applicant hired a surveyor to verify the property line. It was at that time that the five-inch discrepancy was discovered. COMMISSIONER GOYNES asked the applicant if the plans that were submitted were hand drawn. MS. JAMERSON replied that they were done professionally and she described how the property lines had been measured according to that plan.

CHAIRMAN TRUSDELL summarized by saying that the choices were to either require the applicant to have the house moved or, to grant the variance. During the pouring of the foundation, someone should have noticed the error but that had not happened. COMMISSIONER EVANS stated that he understood the setback was short; however, since MS. JAMERSON had not encroached onto MR. STEWART'S property, he was prepared to grant the variance in lieu of requiring her to tear the home down.

MR. STEWART emphasized that he had been trying to tell the workers from the start that they were measuring the property lines wrong. He feels the project should have been done correctly from the onset of construction. COMMISSIONER EVANS suggested that possibly a fence could be required in between MR. STEWART'S home and the adjacent home of MS. JAMERSON. MR. STEWART indicated that MS. JAMERSON has already offered to build one

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 31 –VAR-4925

MINUTES – Continued:

but it has not been done yet. CHAIRMAN TRUESDELL felt a fence would not solve the problem and would most likely result in causing more issues.

COMMISSIONER DAVENPORT informed MS. JAMERSON that if there was a loan on the property, there should have been a title policy done with a 104 endorsement that would guarantee the foundation was poured where it should be. He suggested she go back to the lender for consultation.

COMMISSIONER EVANS stated the reasonable solution to this situation was to grant the variance since the discrepancy is only five inches. He added that it is unfortunate that the error occurred but in his opinion, it did not warrant tearing the home down to correct it. He advised MS. JAMERSON to continue to try and alleviate MR. STEWART'S concerns. She said she would be happy to install a fire hydrant if that would appease him. CHAIRMAN TRUESDELL confirmed for MR. STEWART that a fence between the homes was not a requirement.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 31 [VAR-4925] and Item 32 [VAR-4926].

(9:14 – 9:32)

3-528

CONDITION:

Planning and Development

1. This Variance shall expire one year from the date of final approval, unless it is exercised or and Extension of Time is granted by the City Council

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

VAR-4926 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: OTIS AND SHARON JAMERSON - Request for a Variance TO ALLOW A SIDE YARD SETBACK OF FOUR FEET WHERE FIVE FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH AN EXISTING SINGLE-FAMILY RESIDENCE on 0.12 acres at 886 Balzar Avenue (APN 139-21-510-274), R-2 (Medium-Low Density Residential) Zone, Ward 5 (Weekly).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

EVANS – APPROVED subject to condition – Motion carried with NIGRO and McSWAIN excused

To be heard by the City Council on 10/06/2004

MINUTES:

See Item 31 [VAR-4925] for all related discussion on Item 31 [VAR-4925] and Item 32 [VAR-4926].

(9:14 – 9:32)

3-528

CONDITION:

Planning and Development

1. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SDR-4908 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: NNN OAKLEY BUILDING 2003, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review and Waivers for perimeter and parking lot landscaping standards and for side and rear building setbacks FOR A PROPOSED 112,900 SQUARE-FOOT PARKING STRUCTURE on 2.95 acres at 4750 West Oakley Boulevard (APN 162-06-201-004), C-1 (Limited Commercial) and R-3 (Medium Density Residential) Zones, Ward 1 (Moncrief).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with NIGRO and McSWAIN excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, indicated that this building houses the IRS and has always had an issue with lack of parking. The IRS intends to move to a new facility in February and the property owners are looking to remedy the parking issue before new tenants move in. To accomplish this, they are proposing an approximately 113,000 square-foot, four level parking garage that would be located at the east end of the property. The structure will add 262 spaces to the existing 248 spaces. The structure height will be approximately 77 feet and access will remain from Oakley Boulevard.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 33 –SDR-4098

MINUTES – Continued:

He continued by saying there is an issue with a small piece of land at the east end of the parcel. It was confirmed that the Site Plan is correct as shown. The piece in question was taken and appended to the driveway used to access the apartments to the north of this project resulting in very little space between the existing parking lot and the proposed parking structure. Because of this, the structure will not meet the rear and side setback requirements of the Code and the applicant has requested a waiver of those standards. Staff suggested that the applicant could make up some of the landscaping requirement elsewhere on the site; however, the applicant has indicated they are not interested in adding a large amount of landscaping to the site, they would consider enhancing the landscaping on Oakey Boulevard.

DARRYL GOODMAN, NNN Oakey, 7201 West Lake Mead Boulevard, appeared on behalf of the applicant and stated MR. LEOBOLD'S summary of the situation was an accurate representation of the case. He said the applicant would like to upgrade the building to make it more user friendly. He indicated there has been much activity generated by the IRS moving out and several parties are interested in the property but parking is a big issue. The applicant is amenable to adding more trees but would like to see it limited to the strip on Oakey Boulevard where there grass already exists. He thanked staff for their recommendation of approval.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:32 – 9:36)

3-1137

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
3. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
4. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 33 –SDR-4098

CONDITIONS – Continued:

- satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
5. A landscaping plan must be submitted prior to or at the same time application is made for a building permit. A waiver to the perimeter and parking lot landscaping standards of the Code is approved as shown on the site development plan.
 6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
 7. Parking lot lighting shall utilize ‘shoe-box’ fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
 8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
 9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
 10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
 11. All City Code requirements and design standards of all City departments must be satisfied.
 12. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
 13. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein, including the provision of suitable elevations and/or a detailed materials/color board depicting the materials and colors of the structure’s exterior. The site plan shall be revised to indicate the number of handicap spaces to be provided.
 14. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 33 –SDR-4098

CONDITIONS – Continued:

Public Works

15. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
16. All existing and proposed driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
17. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
18. Site development to comply with all applicable conditions of approval for Z-0058-85 and all other site-related actions.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

SDR-4935 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DURANGO AND ELKHORN, LIMITED LIABILITY COMPANY, ET AL - Request for a Site Development Plan Review and Waivers of the Town Center Development Standards for the two-story minimum height requirement in the Urban Center Mixed-Use District and the 70 percent minimum clear glazing requirement at the ground floor level along primary pedestrian routes FOR A PROPOSED 43,200 SQUARE-FOOT COMMERCIAL DEVELOPMENT on 3.94 acres adjacent to the southwest corner of Durango Drive and Elkhorn Road (APN 125-20-101-008 and 009), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use - Town Center) Land Use Designation], Ward 6 (Mack).

C.C. 10/06/04

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TXT-5036 – PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.02.050 (D) to provide a consistent definition for determining the allowable units per acre in a residential subdivision.

THIS WILL BE SENT TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

DAVENPORT – APPROVED – UNANIMOUS with NIGRO and McSWAIN excused

To be heard by the City Council on 10/06/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, explained that there is a conflict in the language of the Code that this text amendment would clarify. Title 19.02.05, which applies to every district, states that street rights-of-way and open space are used in determining the number of allowable units per acre in a residential subdivision. The section does not distinguish between dedicated or undedicated right-of-way. The RPD portion of the Code states that density is based on gross acreage. Gross acres is defined within the Code as the total area within the property lines of allotted parcels of lands before public streets, easements or other areas to be dedicated, reserved for public use or deduct from such lot or parcel. The term does not include adjacent property, which has already been dedicated for such purposes.

PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2004
Planning and Development Department
Item 35 –TXT-5036

MINUTES – Continued:

He summarized the conflict by saying that the definition of gross acres indicates only undedicated rights-of-way can be included. Another part of the Code states that all rights-of-way can be counted and in yet another area of the Code, it indicates on all RPD's, the decision is based on gross acreage, which by definition only includes undedicated rights-of-way.

The answer would be to have one clear standard. Amending Title 19.02.050 (D) would remedy the situation. The language proposed for deletion states “although streets rights-of-way and open space may be used in determining the number of allowable units per acre in residential subdivisions.” This will clarify the issue to one standard which would be, if the right-of-way is undedicated, it is included and if it is dedicated, it cannot be included. He gave an example of some property located at 215 and Jones Boulevard. The rights-of-way in that location are so large that the difference between counting and not counting the dedicated rights-of-way would result in the project size differing from 42 to 48 acres.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:36 – 9:40)

3-1297

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

TXT-5037 - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.14.100 relating to standards for Off-Premise Signs.

ABEYANCE TO THE SEPTEMBER 23, 2004 PLANNING COMMISSION MEETING

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

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RECOMMENDATION:

Staff recommends ABEYANCE

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

GOYNES – Motion to bring forward and HOLD IN ABEYANCE Item 19 [MOD-4632], Item 20 [WVR-4754], Item 21 [SDR-4751], Item 34 [SDR-4935] and Item 36 to 9/23/2004 Planning Commission meeting, Item 18 [MSP-4622] to 11/04/2004 Planning Commission meeting, TABLE Item 8 [GPA-4548], Item 9 [ZON-4554], Item 10 [VAR-4677] and Item 11 [SDR-4555] – UNANIMOUS with NIGRO excused

MINUTES:

DAVID CLAPSADDLE, Planning and Development, stated that letters are on file for each of the requests.

(6:02 – 6:09)

PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: SEPTEMBER 9, 2004

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE PLANNING COMMISSION AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

MINUTES:

None

MEETING ADJOURNED AT 9:40 P.M.

Respectfully submitted:

ARLENE COLEMAN, DEPUTY CITY CLERK

STACEY CAMPBELL, DEPUTY CITY CLERK